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H. RES. 1258

Impeaching George W. Bush, President of the United States, of high crimes
and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2008

Mr. KUCINICH submitted the following resolution

JUNE 11, 2008

By motion of the House, referred to the Committee on the Judiciary

RESOLUTION

Impeaching George W. Bush, President of the United States,
of high crimes and misdemeanors.

1 *Resolved*, That President George W. Bush be im-
2 peached for high crimes and misdemeanors, and that the
3 following articles of impeachment be exhibited to the
4 United States Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, in maintenance and support of its impeachment

1 against President George W. Bush for high crimes and
2 misdemeanors.

3 In his conduct while President of the United States,
4 George W. Bush, in violation of his constitutional oath to
5 faithfully execute the office of President of the United
6 States and, to the best of his ability, preserve, protect,
7 and defend the Constitution of the United States, and in
8 violation of his constitutional duty to take care that the
9 laws be faithfully executed, has committed the following
10 abuses of power.

11 ARTICLE I—CREATING A SECRET PROPAGANDA CAM-
12 PAIGN TO MANUFACTURE A FALSE CASE FOR WAR
13 AGAINST IRAQ

14 In his conduct while President of the United States,
15 George W. Bush, in violation of his constitutional oath to
16 faithfully execute the office of President of the United
17 States and, to the best of his ability, preserve, protect,
18 and defend the Constitution of the United States, and in
19 violation of his constitutional duty under article II, section
20 3 of the Constitution “to take care that the laws be faith-
21 fully executed”, has both personally and acting through
22 his agents and subordinates, together with the Vice Presi-
23 dent, illegally spent public dollars on a secret propaganda
24 program to manufacture a false cause for war against
25 Iraq.

1 The Department of Defense (DOD) has engaged in
2 a years-long secret domestic propaganda campaign to pro-
3 mote the invasion and occupation of Iraq. This secret pro-
4 gram was defended by the White House Press Secretary
5 following its exposure. This program follows the pattern
6 of crimes detailed in articles I, II, IV, and VIII. The mis-
7 sion of this program placed it within the field controlled
8 by the White House Iraq Group (WHIG), a White House
9 task-force formed in August 2002 to market an invasion
10 of Iraq to the American people. The group included Karl
11 Rove, I. Lewis Libby, Condoleezza Rice, Karen Hughes,
12 Mary Matalin, Stephen Hadley, Nicholas E. Calio, and
13 James R. Wilkinson.

14 The WHIG produced white papers detailing so-called
15 intelligence of Iraq's nuclear threat that later proved to
16 be false. This supposed intelligence included the claim that
17 Iraq had sought uranium from Niger as well as the claim
18 that the high strength aluminum tubes Iraq purchased
19 from China were to be used for the sole purpose of build-
20 ing centrifuges to enrich uranium. Unlike the National In-
21 telligence Estimate of 2002, the WHIG's white papers
22 provided "gripping images and stories" and used "literary
23 license" with intelligence. The WHIG's white papers were
24 written at the same time and by the same people as

1 speeches and talking points prepared for President Bush
2 and some of his top officials.

3 The WHIG also organized a media blitz in which, be-
4 tween September 7–8, 2002, President Bush and his top
5 advisers appeared on numerous interviews and all provided
6 similarly gripping images about the possibility of nuclear
7 attack by Iraq. The timing was no coincidence, as Andrew
8 Card explained in an interview regarding waiting until
9 after Labor Day to try to sell the American people on mili-
10 tary action against Iraq, “From a marketing point of view,
11 you don’t introduce new products in August.”

12 September 7–8, 2002:

13 NBC’s “Meet the Press”: Vice President Che-
14 ney accused Saddam of moving aggressively to de-
15 velop nuclear weapons over the past 14 months to
16 add to his stockpile of chemical and biological arms.

17 CNN: Then-National Security Adviser Rice
18 said, regarding the likelihood of Iraq obtaining a nu-
19 clear weapon, “We don’t want the smoking gun to
20 be a mushroom cloud.”

21 CBS: President Bush declared that Saddam
22 was “six months away from developing a weapon”,
23 and cited satellite photos of construction in Iraq
24 where weapons inspectors once visited as evidence
25 that Saddam was trying to develop nuclear arms.

1 The Pentagon military analyst propaganda program
2 was revealed in an April 20, 2002, New York Times arti-
3 cle. The program illegally involved “covert attempts to
4 mold opinion through the undisclosed use of third par-
5 ties”. Secretary of Defense Donald Rumsfeld recruited 75
6 retired military officers and gave them talking points to
7 deliver on Fox, CNN, ABC, NBC, CBS, and MSNBC, and
8 according to the New York Times report, which has not
9 been disputed by the Pentagon or the White House, “Par-
10 ticipants were instructed not to quote their briefers di-
11 rectly or otherwise describe their contacts with the Pen-
12 tagon.”.

13 According to the Pentagon’s own internal documents,
14 the military analysts were considered “message force mul-
15 tipliers” or “surrogates” who would deliver administration
16 “themes and messages” to millions of Americans “in the
17 form of their own opinions”. In fact, they did deliver the
18 themes and the messages but did not reveal that the Pen-
19 tagon had provided them with their talking points. Robert
20 S. Bevelacqua, a retired Green Beret and Fox News mili-
21 tary analyst described this as follows: “It was them saying,
22 ‘We need to stick our hands up your back and move your
23 mouth for you.’”.

24 Congress has restricted annual appropriations bills
25 since 1951 with this language: “No part of any appropria-

1 tion contained in this or any other Act shall be used for
2 publicity or propaganda purposes within the United States
3 not heretofore authorized by the Congress.”.

4 A March 21, 2005, report by the Congressional Re-
5 search Service states that “publicity or propaganda” is de-
6 fined by the U.S. Government Accountability Office
7 (GAO) to mean either (1) self-aggrandizement by public
8 officials, (2) purely partisan activity, or (3) “covert propa-
9 ganda”.

10 These concerns about “covert propaganda” were also
11 the basis for the GAO’s standard for determining when
12 government-funded video news releases are illegal:

13 “The failure of an agency to identify itself as the
14 source of a prepackaged news story misleads the viewing
15 public by encouraging the viewing audience to believe that
16 the broadcasting news organization developed the informa-
17 tion. The prepackaged news stories are purposefully de-
18 signed to be indistinguishable from news segments broad-
19 cast to the public. When the television viewing public does
20 not know that the stories they watched on television news
21 programs about the government were in fact prepared by
22 the government, the stories are, in this sense, no longer
23 purely factual—the essential fact of attribution is miss-
24 ing.”.

1 The White House’s own Office of Legal Council stat-
2 ed in a memorandum written in 2005 following the con-
3 troversy over the Armstrong Williams scandal:

4 “Over the years, GAO has interpreted ‘publicity or
5 propaganda’ restrictions to preclude use of appropriated
6 funds for, among other things, so-called ‘covert propa-
7 ganda’. . . . Consistent with that view, the OLC deter-
8 mined in 1988 that a statutory prohibition on using ap-
9 propriated funds for ‘publicity or propaganda’ precluded
10 undisclosed agency funding of advocacy by third-party
11 groups. We stated that ‘covert attempts to mold opinion
12 through the undisclosed use of third parties’ would run
13 afoul of restrictions on using appropriated funds for ‘prop-
14 aganda’.”.

15 Asked about the Pentagon’s propaganda program at
16 White House press briefing in April 2008, White House
17 Press Secretary Dana Perino defended it, not by arguing
18 that it was legal but by suggesting that it “should” be:
19 “Look, I didn’t know look, I think that you guys should
20 take a step back and look at this look, DOD has made
21 a decision, they’ve decided to stop this program. But I
22 would say that one of the things that we try to do in the
23 administration is get information out to a variety of people
24 so that everybody else can call them and ask their opinion
25 about something. And I don’t think that that should be

1 against the law. And I think that it's absolutely appro-
2 priate to provide information to people who are seeking
3 it and are going to be providing their opinions on it. It
4 doesn't necessarily mean that all of those military analysts
5 ever agreed with the administration. I think you can go
6 back and look and think that a lot of their analysis was
7 pretty tough on the administration. That doesn't mean
8 that we shouldn't talk to people."

9 In all of these actions and decisions, President
10 George W. Bush has acted in a manner contrary to his
11 trust as President and Commander in Chief, and subver-
12 sive of constitutional government, to the prejudice of the
13 cause of law and justice and to the manifest injury of the
14 people of the United States. Wherefore, President George
15 W. Bush, by such conduct, is guilty of an impeachable
16 offense warranting removal from office.

17 ARTICLE II—FALSELY, SYSTEMATICALLY, AND WITH
18 CRIMINAL INTENT CONFLATING THE ATTACKS OF
19 SEPTEMBER 11, 2001 WITH MISREPRESENTATION
20 OF IRAQ AS AN IMMINENT SECURITY THREAT AS
21 PART OF A FRAUDULENT JUSTIFICATION FOR A
22 WAR OF AGGRESSION

23 In his conduct while President of the United States,
24 George W. Bush, in violation of his constitutional oath to
25 faithfully execute the office of President of the United

1 States and, to the best of his ability, preserve, protect,
2 and defend the Constitution of the United States, and in
3 violation of his constitutional duty under article II, section
4 3 of the Constitution “to take care that the laws be faith-
5 fully executed”, has both personally and acting through
6 his agents and subordinates, together with the Vice Presi-
7 dent, executed a calculated and wide-ranging strategy to
8 deceive the citizens and Congress of the United States into
9 believing that there was and is a connection between Iraq
10 and Saddam Hussein on the one hand, and the attacks
11 of September 11, 2001, and al Qaeda, on the other hand,
12 so as to falsely justify the use of the United States Armed
13 Forces against the nation of Iraq in a manner that is dam-
14 aging to the national security interests of the United
15 States, as well as to fraudulently obtain and maintain con-
16 gressional authorization and funding for the use of such
17 military force against Iraq, thereby interfering with and
18 obstructing Congress’s lawful functions of overseeing for-
19 eign affairs and declaring war.

20 The means used to implement this deception were
21 and continue to be, first, allowing, authorizing and sanc-
22 tioning the manipulation of intelligence analysis by those
23 under his direction and control, including the Vice Presi-
24 dent and the Vice President’s agents, and second, person-
25 ally making, or causing, authorizing and allowing to be

1 made through highly-placed subordinates, including the
2 President's Chief of Staff, the White House Press Sec-
3 retary and other White House spokespersons, the Secre-
4 taries of State and Defense, the National Security Advi-
5 sor, and their deputies and spokespersons, false and fraud-
6 ulent representations to the citizens of the United States
7 and Congress regarding an alleged connection between
8 Saddam Hussein and Iraq, on the one hand, and the Sep-
9 tember 11th attacks and al Qaeda, on the other hand, that
10 were half-true, literally true but misleading, and/or made
11 without a reasonable basis and with reckless indifference
12 to their truth, as well as omitting to state facts necessary
13 to present an accurate picture of the truth as follows:

14 (1) On or about September 12, 2001, former
15 terrorism advisor Richard Clarke personally in-
16 formed the President that neither Saddam Hussein
17 nor Iraq was responsible for the September 11th at-
18 tacks. On September 18, Clarke submitted to the
19 President's National Security Adviser Condoleezza
20 Rice a memo he had written in response to George
21 W. Bush's specific request that stated: (1) the case
22 for linking Hussein to the September 11th attacks
23 was weak; (2) only anecdotal evidence linked Hus-
24 sein to al Qaeda; (3) Osama Bin Laden resented the
25 secularism of Saddam Hussein; and (4) there was no

1 confirmed reporting of Saddam Hussein cooperating
2 with Bin Laden on unconventional weapons.

3 (2) Ten days after the September 11th attacks
4 the President received a President's Daily Briefing
5 which indicated that the U.S. intelligence community
6 had no evidence linking Saddam Hussein to the Sep-
7 tember 11th attacks and that there was "scant cred-
8 ible evidence that Iraq had any significant collabo-
9 rative ties with Al Qaeda".

10 (3) In Defense Intelligence Terrorism Summary
11 No. 044-02, issued in February 2002, the United
12 States Defense Intelligence Agency cast significant
13 doubt on the possibility of a Saddam Hussein-al
14 Qaeda conspiracy: "Saddam's regime is intensely
15 secular and is wary of Islamic revolutionary move-
16 ments. Moreover, Baghdad is unlikely to provide as-
17 sistance to a group it cannot control."

18 (4) The October 2002 National Intelligence Es-
19 timate gave a "Low Confidence" rating to the notion
20 of whether "in desperation Saddam would share
21 chemical or biological weapons with Al Qaeda". The
22 CIA never informed the President that there was an
23 operational relationship between al Qaeda and Sad-
24 dam Hussein; on the contrary, its most "aggressive"
25 analysis contained in "Iraq and al-Qa'ida: Inter-

1 preting a Murky Relationship” dated June 21, 2002,
2 was that Iraq had had “sporadic, wary contacts with
3 al-Qa’ida since the mid-1990s rather than a relation-
4 ship with al-Qa’ida that has developed over time”.

5 (5) Notwithstanding his knowledge that neither
6 Saddam Hussein nor Iraq was in any way connected
7 to the September 11th attacks, the President al-
8 lowed and authorized those acting under his direc-
9 tion and control, including Vice President Richard
10 B. Cheney and Lewis Libby, who reported directly to
11 both the President and the Vice President, and Sec-
12 retary of Defense Donald Rumsfeld, among others,
13 to pressure intelligence analysts to alter their assess-
14 ments and to create special units outside of, and un-
15 known to, the intelligence community in order to se-
16 cretely obtain unreliable information, to manufacture
17 intelligence or reinterpret raw data in ways that
18 would further the Bush administration’s goal of
19 fraudulently establishing a relationship not only be-
20 tween Iraq and al Qaeda, but between Iraq and the
21 attacks of September 11th.

22 (6) Further, despite his full awareness that
23 Iraq and Saddam Hussein had no relationship to the
24 September 11th attacks, the President, and those
25 acting under his direction and control have, since at

1 least 2002 and continuing to the present, repeatedly
2 issued public statements deliberately worded to mis-
3 lead, words calculated in their implication to bring
4 unrelated actors and circumstances into an artifi-
5 cially contrived reality thereby facilitating the sys-
6 tematic deception of Congress and the American
7 people. Thus the public and some members of Con-
8 gress, came to believe, falsely, that there was a con-
9 nection between Iraq and the attacks of 9/11. This
10 was accomplished through well-publicized statements
11 by the Bush Administration which contrived to con-
12 tinually tie Iraq and 9/11 in the same statements of
13 grave concern without making an explicit charge:

14 (A) “[If] Iraq regimes [sic] continues to
15 defy us, and the world, we will move delib-
16 erately, yet decisively, to hold Iraq to ac-
17 count. . . . It’s a new world we’re in. We used
18 to think two oceans could separate us from an
19 enemy. On that tragic day, September the 11th,
20 2001, we found out that’s not the case. We
21 found out this great land of liberty and of free-
22 dom and of justice is vulnerable. And therefore
23 we must do everything we can—everything we
24 can—to secure the homeland, to make us safe.”

1 Speech of President Bush in Iowa on Sep-
2 tember 16, 2002.

3 (B) “With every step the Iraqi regime
4 takes toward gaining and deploying the most
5 terrible weapons, our own options to confront
6 that regime will narrow. And if an emboldened
7 regime were to supply these weapons to ter-
8 rorist allies, then the attacks of September 11th
9 would be a prelude to far greater horrors.”
10 March 6, 2003, Statement of President Bush in
11 National Press Conference.

12 (C) “The battle of Iraq is one victory in a
13 war on terror that began on September the 11,
14 2001—and still goes on. That terrible morning,
15 19 evil men—the shock troops of a hateful ide-
16 ology—gave America and the civilized world a
17 glimpse of their ambitions. They imagined, in
18 the words of one terrorist, that September the
19 11th would be the ‘beginning of the end of
20 America’. By seeking to turn our cities into kill-
21 ing fields, terrorists and their allies believed
22 that they could destroy this nation’s resolve,
23 and force our retreat from the world. They have
24 failed.” May 1, 2003, Speech of President Bush
25 on U.S.S. Abraham Lincoln.

1 (D) “Now we’re in a new and unprece-
2 dented war against violent Islamic extremists.
3 This is an ideological conflict we face against
4 murderers and killers who try to impose their
5 will. These are the people that attacked us on
6 September the 11th and killed nearly 3,000
7 people. The stakes are high, and once again, we
8 have had to change our strategic thinking. The
9 major battleground in this war is Iraq.” June
10 28, 2007, Speech of President Bush at the
11 Naval War College in Newport, Rhode Island.

12 (7) Notwithstanding his knowledge that there
13 was no credible evidence of a working relationship
14 between Saddam Hussein and al Qaeda and that the
15 intelligence community had specifically assessed that
16 there was no such operational relationship, the
17 President, both personally and through his subordi-
18 nates and agents, has repeatedly falsely represented,
19 both explicitly and implicitly, and through the mis-
20 leading use of selectively-chosen facts, to the citizens
21 of the United States and to the Congress that there
22 was and is such an ongoing operational relationship,
23 to wit:

24 (A) “We know that Iraq and al Qaeda
25 have had high-level contacts that go back a dec-

1 ade. Some al Qaeda leaders who fled Afghani-
2 stan went to Iraq. These include one very senior
3 al Qaeda leader who received medical treatment
4 in Baghdad this year, and who has been associ-
5 ated with planning for chemical and biological
6 attacks. We've learned that Iraq has trained al
7 Qaeda members in bomb-making and poisons
8 and deadly gases." September 28, 2002, Weekly
9 Radio Address of President Bush to the Nation.

10 (B) "[W]e we need to think about Saddam
11 Hussein using al Qaeda to do his dirty work, to
12 not leave fingerprints behind." October 14,
13 2002, Remarks by President Bush in Michigan.

14 (C) "We know he's got ties with al
15 Qaeda." November 1, 2002, Speech of Presi-
16 dent Bush in New Hampshire.

17 (D) "Evidence from intelligence sources,
18 secret communications, and statements by peo-
19 ple now in custody reveal that Saddam Hussein
20 aids and protects terrorists, including members
21 of al Qaeda. Secretly, and without fingerprints,
22 he could provide one of his hidden weapons to
23 terrorists, or help them develop their own."
24 January 28, 2003, President Bush's State of
25 the Union Address.

1 (E) “[W]hat I want to bring to your atten-
2 tion today is the potentially much more sinister
3 nexus between Iraq and the al Qaeda terrorist
4 network, a nexus that combines classic terrorist
5 organizations and modern methods of murder.
6 Iraq today harbors a deadly terrorist net-
7 work. . . .” February 5, 2003, Speech of
8 Former Secretary of State Colin Powell to the
9 United Nations.

10 (F) “The battle of Iraq is one victory in a
11 war on terror that began on September the 11,
12 2001—and still goes on. . . . [T]he liberation
13 of Iraq . . . removed an ally of al Qaeda.” May
14 1, 2003, Speech of President Bush on U.S.S.
15 Abraham Lincoln.

16 (8) The Senate Select Committee on Intel-
17 ligence Report on Whether Public Statements Re-
18 garding Iraq by U.S. Government Officials Were
19 Substantiated by Intelligence Information, which
20 was released on June 5, 2008, concluded that:

21 (A) “Statements and implications by the
22 President and Secretary of State suggesting
23 that Iraq and al-Qa’ida had a partnership, or
24 that Iraq had provided al-Qa’ida with weapons

1 training, were not substantiated by the intel-
2 ligence.”.

3 (B) “The Intelligence Community did not
4 confirm that Muhammad Atta met an Iraqi in-
5 telligence officer in Prague in 2001 as the Vice
6 President repeatedly claimed.”.

7 Through his participation and instance in the breath-
8 taking scope of this deception, the President has used the
9 highest office of trust to wage a campaign of deception
10 of such sophistication as to deliberately subvert the na-
11 tional security interests of the United States. His dishon-
12 esty set the stage for the loss of more than 4,000 United
13 States servicemembers; injuries to tens of thousands of
14 soldiers, the loss of more than 1,000,000 innocent Iraqi
15 citizens since the United States invasion; the loss of ap-
16 proximately \$527 billion in war costs which has increased
17 our Federal debt and the ultimate expenditure of three
18 to five trillion dollars for all costs covering the war; the
19 loss of military readiness within the United States Armed
20 Services due to overextension, the lack of training and lack
21 of equipment; the loss of United States credibility in world
22 affairs; and the decades of likely blowback created by the
23 invasion of Iraq.

24 In all of these actions and decisions, President
25 George W. Bush has acted in a manner contrary to his

1 trust as President and Commander in Chief, and subver-
2 sive of constitutional government, to the prejudice of the
3 cause of law and justice and to the manifest injury of the
4 people of the United States. Wherefore, President George
5 W. Bush, by such conduct, is guilty of an impeachable
6 offense warranting removal from office.

7 ARTICLE III—MISLEADING THE AMERICAN PEOPLE AND
8 MEMBERS OF CONGRESS TO BELIEVE IRAQ POS-
9 SSESSED WEAPONS OF MASS DESTRUCTION, SO AS
10 TO MANUFACTURE A FALSE CASE FOR WAR

11 In his conduct while President of the United States,
12 George W. Bush, in violation of his constitutional oath to
13 faithfully execute the office of President of the United
14 States and, to the best of his ability, preserve, protect,
15 and defend the Constitution of the United States, and in
16 violation of his constitutional duty under article II, section
17 3 of the Constitution “to take care that the laws be faith-
18 fully executed”, has both personally and acting through
19 his agents and subordinates, together with the Vice Presi-
20 dent, executed instead a calculated and wide-ranging
21 strategy to deceive the citizens and Congress of the United
22 States into believing that the nation of Iraq possessed
23 weapons of mass destruction in order to justify the use
24 of the United States Armed Forces against the nation of
25 Iraq in a manner damaging to our national security inter-

1 ests, thereby interfering with and obstructing Congress's
2 lawful functions of overseeing foreign affairs and declaring
3 war.

4 The means used to implement this deception were
5 and continue to be personally making, or causing, author-
6 izing and allowing to be made through highly-placed sub-
7 ordinates, including the President's Chief of Staff, the
8 White House Press Secretary and other White House
9 spokespersons, the Secretaries of State and Defense, the
10 National Security Advisor, and their deputies and spokes-
11 persons, false and fraudulent representations to the citi-
12 zens of the United States and Congress regarding Iraq's
13 alleged possession of biological, chemical and nuclear
14 weapons that were half-true, literally true but misleading,
15 and/or made without a reasonable basis and with reckless
16 indifference to their truth, as well as omitting to state
17 facts necessary to present an accurate picture of the truth
18 as follows:

19 (1) Long before the March 19, 2003, invasion
20 of Iraq, a wealth of intelligence informed the Presi-
21 dent and those under his direction and control that
22 Iraq's stockpiles of chemical and biological weapons
23 had been destroyed well before 1998 and that there
24 was little, if any, credible intelligence that showed
25 otherwise. As reported in the Washington Post in

1 March of 2003, in 1995, Saddam Hussein’s son-in-
2 law Hussein Kamel had informed U.S. and British
3 intelligence officers that “all weapons—biological,
4 chemical, missile, nuclear were destroyed.” In Sep-
5 tember 2002, the Defense Intelligence Agency issued
6 a report that concluded: “A substantial amount of
7 Iraq’s chemical warfare agents, precursors, muni-
8 tions and production equipment were destroyed be-
9 tween 1991 and 1998 as a result of Operation
10 Desert Storm and UNSCOM actions . . . [T]here is
11 no reliable information on whether Iraq is producing
12 and stockpiling chemical weapons or whether Iraq
13 has—or will—establish its chemical warfare agent
14 production facilities.” Notwithstanding the absence
15 of evidence proving that such stockpiles existed and
16 in direct contradiction to substantial evidence that
17 showed they did not exist, the President and his sub-
18 ordinates and agents made numerous false represen-
19 tations claiming with certainty that Iraq possessed
20 chemical and biological weapons that it was devel-
21 oping to use to attack the United States, to wit:

22 (A) “[T]he notion of a Saddam Hussein
23 with his great oil wealth, with his inventory
24 that he already has of biological and chemical
25 weapons . . . is, I think, a frightening propo-

1 sition for anybody who thinks about it.” State-
2 ment of Vice President Cheney on CBS’s Face
3 the Nation, March 24, 2002.

4 (B) “In defiance of the United Nations,
5 Iraq has stockpiled biological and chemical
6 weapons, and is rebuilding the facilities used to
7 make more of those weapons.” Speech of Presi-
8 dent Bush, October 5, 2002.

9 (C) “All the world has now seen the foot-
10 age of an Iraqi Mirage aircraft with a fuel tank
11 modified to spray biological agents over wide
12 areas. Iraq has developed spray devices that
13 could be used on unmanned aerial vehicles with
14 ranges far beyond what is permitted by the Se-
15 curity Council. A UAV launched from a vessel
16 off the American coast could reach hundreds of
17 miles inland.” Statement by President Bush
18 from the White House, February 6, 2003.

19 (2) Despite overwhelming intelligence in the
20 form of statements and reports filed by and on be-
21 half of the CIA, the State Department and the
22 IAEA, among others, which indicated that the claim
23 was untrue, the President, and those under his di-
24 rection and control, made numerous representations
25 claiming and implying through misleading language

1 that Iraq was attempting to purchase uranium from
2 Niger in order to falsely buttress its argument that
3 Iraq was reconstituting its nuclear weapons pro-
4 gram, including:

5 (A) “The regime has the scientists and fa-
6 cilities to build nuclear weapons, and is seeking
7 the materials needed to do so.” Statement of
8 President Bush from White House, October 2,
9 2002.

10 (B) “The [Iraqi] report also failed to deal
11 with issues which have arisen since 1998, in-
12 cluding: . . . attempts to acquire uranium and
13 the means to enrich it.” Letter from President
14 Bush to Vice President Cheney and the Senate,
15 January 20, 2003.

16 (C) “The British Government has learned
17 that Saddam Hussein recently sought signifi-
18 cant quantities of uranium from Africa.” Presi-
19 dent Bush Delivers State of the Union Address,
20 January 28, 2003.

21 (3) Despite overwhelming evidence in the form
22 of reports by nuclear weapons experts from the En-
23 ergy, the Defense and State Departments, as well
24 from outside and international agencies which as-
25 sessed that aluminum tubes the Iraqis were pur-

1 chasing were not suitable for nuclear centrifuge use
2 and were, on the contrary, identical to ones used in
3 rockets already being manufactured by the Iraqis,
4 the President, and those under his direction and
5 control, persisted in making numerous false and
6 fraudulent representations implying and stating ex-
7 plicitly that the Iraqis were purchasing the tubes for
8 use in a nuclear weapons program, to wit:

9 (A) “We do know that there have been
10 shipments going . . . into Iraq . . . of alu-
11 minum tubes that really are only suited to—
12 high-quality aluminum tools [sic] that are only
13 really suited for nuclear weapons programs,
14 centrifuge programs.” Statement of then Na-
15 tional Security Advisor Condoleezza Rice on
16 CNN’s Late Edition with Wolf Blitzer, Sep-
17 tember 8, 2002.

18 (B) “Our intelligence sources tell us that
19 he has attempted to purchase high-strength alu-
20 minum tubes suitable for nuclear weapons pro-
21 duction.” President Bush’s State of the Union
22 Address, January 28, 2003.

23 (C) “[H]e has made repeated covert at-
24 tempts to acquire high-specification aluminum
25 tubes from 11 different countries, even after in-

1 spections resumed. . . . By now, just about ev-
2 everyone has heard of these tubes and we all
3 know that there are differences of opinion.
4 There is controversy about what these tubes are
5 for. Most U.S. experts think they are intended
6 to serve as rotors in centrifuges used to enrich
7 uranium.” Speech of Former Secretary of State
8 Colin Powell to the United Nations, February
9 5, 2003.

10 (4) The President, both personally and acting
11 through those under his direction and control, sup-
12 pressed material information, selectively declassified
13 information for the improper purposes of retaliating
14 against a whistleblower and presenting a misleading
15 picture of the alleged threat from Iraq, facilitated
16 the exposure of the identity of a covert CIA opera-
17 tive and thereafter not only failed to investigate the
18 improper leaks of classified information from within
19 his administration, but also failed to cooperate with
20 an investigation into possible federal violations re-
21 sulting from this activity and, finally, entirely under-
22 mined the prosecution by commuting the sentence of
23 Lewis Libby citing false and insubstantial grounds,
24 all in an effort to prevent Congress and the citizens
25 of the United States from discovering the fraudulent

1 nature of the President's claimed justifications for
2 the invasion of Iraq.

3 (5) The Senate Select Committee on Intel-
4 ligence Report on Whether Public Statements Re-
5 garding Iraq by U.S. Government Officials Were
6 Substantiated by Intelligence Information, which
7 was released on June 5, 2008, concluded that:

8 (A) "Statements by the President and Vice
9 President prior to the October 2002 National
10 Intelligence Estimate regarding Iraq's chemical
11 weapons production capability and activities did
12 not reflect the intelligence community's uncer-
13 tainties as to whether such production was on-
14 going."

15 (B) "The Secretary of Defense's statement
16 that the Iraqi government operated under-
17 ground WMD facilities that were not vulnerable
18 to conventional airstrikes because they were un-
19 derground and deeply buried was not substan-
20 tiated by available intelligence information."

21 (C) Chairman of the Senate Intelligence
22 Committee Jay Rockefeller concluded: "In mak-
23 ing the case for war, the Administration repeat-
24 edly presented intelligence as fact when in re-
25 ality it was unsubstantiated, contradicted, or

1 even non-existent. As a result, the American
2 people were led to believe that the threat from
3 Iraq was much greater than actually existed.”.

4 The President has subverted the national security in-
5 terests of the United States by setting the stage for the
6 loss of more than 4,000 United States servicemembers and
7 the injury to tens of thousands of U.S. soldiers; the loss
8 of more than 1,000,000 innocent Iraqi citizens since the
9 United States invasion; the loss of approximately \$500 bil-
10 lion in war costs which has increased our Federal debt
11 with a long term financial cost of between three and five
12 trillion dollars; the loss of military readiness within the
13 United States Armed Services due to overextension, the
14 lack of training and lack of equipment; the loss of United
15 States credibility in world affairs; and the decades of likely
16 blowback created by the invasion of Iraq.

17 In all of these actions and decisions, President
18 George W. Bush has acted in a manner contrary to his
19 trust as President and Commander in Chief, and subver-
20 sive of constitutional government, to the prejudice of the
21 cause of law and justice and to the manifest injury of the
22 people of the United States. Wherefore, President George
23 W. Bush, by such conduct, is guilty of an impeachable
24 offense warranting removal from office.

1 ARTICLE IV—MISLEADING THE AMERICAN PEOPLE AND
2 MEMBERS OF CONGRESS TO BELIEVE IRAQ POSED
3 AN IMMINENT THREAT TO THE UNITED STATES

4 In his conduct while President of the United States,
5 George W. Bush, in violation of his constitutional oath to
6 faithfully execute the office of President of the United
7 States and, to the best of his ability, preserve, protect,
8 and defend the Constitution of the United States, and in
9 violation of his constitutional duty under article II, section
10 3 of the Constitution “to take care that the laws be faith-
11 fully executed”, has both personally and acting through
12 his agents and subordinates, together with the Vice Presi-
13 dent, executed a calculated and wide-ranging strategy to
14 deceive the citizens and Congress of the United States into
15 believing that the nation of Iraq posed an imminent threat
16 to the United States in order to justify the use of the
17 United States Armed Forces against the nation of Iraq
18 in a manner damaging to our national security interests,
19 thereby interfering with and obstructing Congress’s lawful
20 functions of overseeing foreign affairs and declaring war.

21 The means used to implement this deception were
22 and continue to be, first, allowing, authorizing and sanc-
23 tioning the manipulation of intelligence analysis by those
24 under his direction and control, including the Vice Presi-
25 dent and the Vice President’s agents, and second, person-

1 ally making, or causing, authorizing and allowing to be
2 made through highly-placed subordinates, including the
3 President's Chief of Staff, the White House Press Sec-
4 retary and other White House spokespersons, the Secre-
5 taries of State and Defense, the National Security Advi-
6 sor, and their deputies and spokespersons, false and fraud-
7 ulent representations to the citizens of the United States
8 and Congress regarding an alleged urgent threat posed by
9 Iraq, statements that were half-true, literally true but mis-
10 leading, and/or made without a reasonable basis and with
11 reckless indifference to their truth, as well as omitting to
12 state facts necessary to present an accurate picture of the
13 truth as follows:

14 (1) Notwithstanding the complete absence of in-
15 telligence analysis to support a claim that Iraq posed
16 an imminent or urgent threat to the United States
17 and the intelligence community's assessment that
18 Iraq was in fact not likely to attack the United
19 States unless it was itself attacked, President Bush,
20 both personally and through his agents and subordi-
21 nates, made, allowed and caused to be made re-
22 peated false representations to the citizens and Con-
23 gress of the United States implying and explicitly
24 stating that such a dire threat existed, including the
25 following:

1 (A) “States such as these [Iraq, Iran, and
2 North Korea] and their terrorist allies con-
3 stitute an axis of evil, arming to threaten the
4 peace of the world. By seeking weapons of mass
5 destruction, these regimes pose a grave and
6 growing danger. They could provide these arms
7 to terrorists, giving them the means to match
8 their hatred. They could attack our allies or at-
9 tempt to blackmail the United States. In any of
10 these cases, the price of indifference would be
11 catastrophic.” President Bush’s State of the
12 Union Address, January 29, 2002.

13 (B) “Simply stated, there is no doubt that
14 Saddam Hussein has weapons of mass destruc-
15 tion. He is amassing them to use against our
16 friends, our enemies, and against us.” Speech
17 of Vice President Cheney at VFW 103rd Na-
18 tional Convention, August 26, 2002.

19 (C) “The history, the logic, and the facts
20 lead to one conclusion: Saddam Hussein’s re-
21 gime is a grave and gathering danger. To sug-
22 gest otherwise is to hope against the evidence.
23 To assume this regime’s good faith is to bet the
24 lives of millions and the peace of the world in
25 a reckless gamble. And this is a risk we must

1 not take.” Address of President Bush to the
2 United Nations General Assembly, September
3 12, 2002.

4 (D) “[N]o terrorist state poses a greater
5 or more immediate threat to the security of our
6 people than the regime of Saddam Hussein and
7 Iraq.” Statement of Former Defense Secretary
8 Donald Rumsfeld to Congress, September 19,
9 2002.

10 (E) “On its present course, the Iraqi re-
11 gime is a threat of unique urgency . . . it has
12 developed weapons of mass death.” Statement
13 of President Bush at White House, October 2,
14 2002.

15 (F) “But the President also believes that
16 this problem has to be dealt with, and if the
17 United Nations won’t deal with it, then the
18 United States, with other likeminded nations,
19 may have to deal with it. We would prefer not
20 to go that route, but the danger is so great,
21 with respect to Saddam Hussein having weap-
22 ons of mass destruction, and perhaps even ter-
23 rorists getting hold of such weapons, that it is
24 time for the international community to act,
25 and if it doesn’t act, the President is prepared

1 to act with likeminded nations.” Statement of
2 Former Secretary of State Colin Powell in
3 interview with Ellen Ratner of Talk Radio
4 News, October 30, 2002.

5 (G) “Today the world is also uniting to an-
6 swer the unique and urgent threat posed by
7 Iraq. A dictator who has used weapons of mass
8 destruction on his own people must not be al-
9 lowed to produce or possess those weapons. We
10 will not permit Saddam Hussein to blackmail
11 and/or terrorize nations which love freedom.”
12 Speech by President Bush to Prague Atlantic
13 Student Summit, November 20, 2002.

14 (H) “But the risk of doing nothing, the
15 risk of the security of this country being jeop-
16 ardized at the hands of a madman with weap-
17 ons of mass destruction far exceeds the risk of
18 any action we may be forced to take.” Presi-
19 dent Bush meets with National Economic
20 Council at White House, February 25, 2003.

21 (2) In furtherance of his fraudulent effort to
22 deceive Congress and the citizens of the United
23 States into believing that Iraq and Saddam Hussein
24 posed an imminent threat to the United States, the
25 President allowed and authorized those acting under

1 his direction and control, including Vice President
2 Richard B. Cheney, former Secretary of Defense
3 Donald Rumsfeld, and Lewis Libby, who reported
4 directly to both the President and the Vice Presi-
5 dent, among others, to pressure intelligence analysts
6 to tailor their assessments and to create special
7 units outside of, and unknown to, the intelligence
8 community in order to secretly obtain unreliable in-
9 formation, to manufacture intelligence, or to reinter-
10 pret raw data in ways that would support the Bush
11 administration's plan to invade Iraq based on a false
12 claim of urgency despite the lack of justification for
13 such a preemptive action.

14 (3) The Senate Select Committee on Intel-
15 ligence Report on Whether Public Statements Re-
16 garding Iraq by U.S. Government Officials Were
17 Substantiated by Intelligence Information, which
18 was released on June 5, 2008, concluded that:
19 "Statements by the President and the Vice Presi-
20 dent indicating that Saddam Hussein was prepared
21 to give weapons of mass destruction to terrorist
22 groups for attacks against the United States were
23 contradicted by available intelligence information."

24 Thus the President willfully and falsely misrepre-
25 sented Iraq as an urgent threat requiring immediate ac-

1 tion thereby subverting the national security interests of
2 the United States by setting the stage for the loss of more
3 than 4,000 United States servicemembers; the injuries to
4 tens of thousands of U.S. soldiers; the deaths of more than
5 1,000,000 Iraqi citizens since the United States invasion;
6 the loss of approximately \$527 billion in war costs which
7 has increased our Federal debt and the ultimate costs of
8 the war between three trillion and five trillion dollars; the
9 loss of military readiness within the United States Armed
10 Services due to overextension, the lack of training and lack
11 of equipment; the loss of United States credibility in world
12 affairs; and the decades of likely blowback created by the
13 invasion of Iraq.

14 In all of these actions and decisions, President
15 George W. Bush has acted in a manner contrary to his
16 trust as President and Commander in Chief, and subver-
17 sive of constitutional government, to the prejudice of the
18 cause of law and justice and to the manifest injury of the
19 people of the United States. Wherefore, President George
20 W. Bush, by such conduct, is guilty of an impeachable
21 offense warranting removal from office.

22 ARTICLE V—ILLEGALLY MISSPENDING FUNDS TO
23 SECRETLY BEGIN A WAR OF AGGRESSION

24 In his conduct while President of the United States,
25 George W. Bush, in violation of his constitutional oath to

1 faithfully execute the office of President of the United
2 States and, to the best of his ability, preserve, protect,
3 and defend the Constitution of the United States, and in
4 violation of his constitutional duty under article II, section
5 3 of the Constitution “to take care that the laws be faith-
6 fully executed”, has both personally and acting through
7 his agents and subordinates, together with the Vice Presi-
8 dent, illegally misspent funds to begin a war in secret prior
9 to any Congressional authorization.

10 The President used over \$2 billion in the summer of
11 2002 to prepare for the invasion of Iraq. First reported
12 in Bob Woodward’s book, *Plan of Attack*, and later con-
13 firmed by the Congressional Research Service, Bush took
14 money appropriated by Congress for Afghanistan and
15 other programs and—with no Congressional notification—
16 used it to build airfields in Qatar and to make other prep-
17 arations for the invasion of Iraq. This constituted a viola-
18 tion of article I, section 9 of the U.S. Constitution, as well
19 as a violation of the War Powers Act of 1973.

20 In all of these actions and decisions, President
21 George W. Bush has acted in a manner contrary to his
22 trust as President and Commander in Chief, and subver-
23 sive of constitutional government, to the prejudice of the
24 cause of law and justice and to the manifest injury of the
25 people of the United States. Wherefore, President George

1 W. Bush, by such conduct, is guilty of an impeachable
2 offense warranting removal from office.

3 ARTICLE VI—INVADING IRAQ IN VIOLATION OF THE
4 REQUIREMENTS OF H.J. RES. 114

5 In his conduct while President of the United States,
6 George W. Bush, in violation of his constitutional oath to
7 faithfully execute the office of President of the United
8 States and, to the best of his ability, preserve, protect,
9 and defend the Constitution of the United States, and in
10 violation of his constitutional duty under article II, section
11 3 of the Constitution “to take care that the laws be faith-
12 fully executed”, exceeded his Constitutional authority to
13 wage war by invading Iraq in 2003 without meeting the
14 requirements of H.J. Res. 114, the “Authorization for Use
15 of Military Force Against Iraq Resolution of 2002” to wit:

16 (1) H.J. Res. 114 contains several Whereas
17 clauses consistent with statements being made by
18 the White House at the time regarding the threat
19 from Iraq as evidenced by the following:

20 (A) H.J. Res. 114 states “Whereas Iraq
21 both poses a continuing threat to the national
22 security of the United States and international
23 peace and security in the Persian Gulf region
24 and remains in material and unacceptable
25 breach of its international obligations by,

1 among other things, continuing to possess and
2 develop a significant chemical and biological
3 weapons capability, actively seeking a nuclear
4 weapons capability, and supporting and har-
5 boring terrorist organizations;” and

6 (B) H.J. Res. 114 states “Whereas mem-
7 bers of Al Qaeda, an organization bearing re-
8 sponsibility for attacks on the United States, its
9 citizens, and interests, including the attacks
10 that occurred on September 11, 2001, are
11 known to be in Iraq;”.

12 (2) H.J. Res. 114 states that the President
13 must provide a determination, the truthfulness of
14 which is implied, that military force is necessary in
15 order to use the authorization, as evidenced by the
16 following:

17 (A) Section 3 of H.J. Res. 114 states:

18 “(b) PRESIDENTIAL DETERMINATION.—In connec-
19 tion with the exercise of the authority granted in sub-
20 section (a) to use force the President shall, prior to such
21 exercise or as soon thereafter as may be feasible, but no
22 later than 48 hours after exercising such authority, make
23 available to the Speaker of the House of Representatives
24 and the President pro tempore of the Senate his deter-
25 mination that—

1 “(1) reliance by the United States on further
2 diplomatic or other peaceful means alone either (A)
3 will not adequately protect the national security of
4 the United States against the continuing threat
5 posed by Iraq or (B) is not likely to lead to enforce-
6 ment of all relevant United Nations Security Council
7 resolutions regarding Iraq; and

8 “(2) acting pursuant to this joint resolution is
9 consistent with the United States and other coun-
10 tries continuing to take the necessary actions
11 against international terrorist and terrorist organi-
12 zations, including those nations, organizations, or
13 persons who planned, authorized, committed, or
14 aided the terrorist attacks that occurred on Sep-
15 tember 11, 2001.”.

16 (3) On March 18, 2003, President George Bush
17 sent a letter to Congress stating that he had made
18 that determination as evidenced by the following:

19 (A) March 18th, 2003 Letter to Congress
20 stating: “Consistent with section 3(b) of the
21 Authorization for Use of Military Force Against
22 Iraq Resolution of 2002 (Public Law 107–243),
23 and based on information available to me, in-
24 cluding that in the enclosed document, I deter-
25 mine that:

1 “(i) reliance by the United States on
2 further diplomatic and other peaceful
3 means alone will neither (A) adequately
4 protect the national security of the United
5 States against the continuing threat posed
6 by Iraq nor (B) likely lead to enforcement
7 of all relevant United Nations Security
8 Council resolutions regarding Iraq; and

9 “(ii) acting pursuant to the Constitu-
10 tion and Public Law 107–243 is consistent
11 with the United States and other countries
12 continuing to take the necessary actions
13 against international terrorists and ter-
14 rorist organizations, including those na-
15 tions, organizations, or persons who
16 planned, authorized, committed, or aided
17 the terrorist attacks that occurred on Sep-
18 tember 11, 2001.”.

19 (4) President George Bush knew that these
20 statements were false as evidenced by:

21 (A) Information provided with articles I,
22 II, III, IV, and V.

23 (B) A statement by President George Bush
24 in an interview with Tony Blair on January
25 31st, 2003: [WH]

1 Reporter: “One question for you both. Do
2 you believe that there is a link between Saddam
3 Hussein, a direct link, and the men who at-
4 tacked on September the 11th?”

5 President Bush: “I can’t make that
6 claim”.

7 (C) An article on February 19th by Ter-
8 rorism expert Rohan Gunaratna states “I could
9 find no evidence of links between Iraq and Al
10 Qaeda. The documentation and interviews indi-
11 cated that Al Qaeda regarded Saddam, a sec-
12 ular leader, as an infidel.” [International Her-
13 ald Tribune]

14 (D) According to a February 2nd, 2003
15 article in the New York Times: [NYT]

16 At the Federal Bureau of Investigation,
17 some investigators said they were baffled by the
18 Bush administration’s insistence on a solid link
19 between Iraq and Osama bin Laden’s network.
20 “We’ve been looking at this hard for more than
21 a year and you know what, we just don’t think
22 it’s there”, a government official said.

23 (5) Section 3C of H.J. Res 114 states that
24 “Nothing in this joint resolution supersedes any re-
25 quirement of the War Powers Resolution.”.

1 (6) The War Powers Resolution Section 9(d)(1)
2 states:

3 “(d) Nothing in this joint resolution—

4 “(1) is intended to alter the constitutional au-
5 thority of the Congress or of the President, or the
6 provision of existing treaties; or”.

7 (7) The United Nations Charter was an exist-
8 ing treaty and, as shown in article VIII, the invasion
9 of Iraq violated that treaty.

10 (8) President George Bush knowingly failed to
11 meet the requirements of H.J. Res. 114 and violated
12 the requirement of the War Powers Resolution and,
13 thereby, invaded Iraq without the authority of Con-
14 gress.

15 In all of these actions and decisions, President
16 George W. Bush has acted in a manner contrary to his
17 trust as President and Commander in Chief, and subver-
18 sive of constitutional government, to the prejudice of the
19 cause of law and justice and to the manifest injury of the
20 people of the United States. Wherefore, President George
21 W. Bush, by such conduct, is guilty of an impeachable
22 offense warranting removal from office.

1 ARTICLE VII—INVADING IRAQ ABSENT A DECLARATION
2 OF WAR

3 In his conduct while President of the United States,
4 George W. Bush, in violation of his constitutional oath to
5 faithfully execute the office of President of the United
6 States and, to the best of his ability, preserve, protect,
7 and defend the Constitution of the United States, and in
8 violation of his constitutional duty under article II, section
9 3 of the Constitution “to take care that the laws be faith-
10 fully executed”, has launched a war against Iraq absent
11 any congressional declaration of war or equivalent action.

12 Article I, section 8, clause 11 (the War Powers
13 Clause) makes clear that the United States Congress holds
14 the exclusive power to decide whether or not to send the
15 nation into war. “The Congress”, the War Powers Clause
16 states, “shall have power . . . To declare war . . .”

17 The October 2002 congressional resolution on Iraq
18 did not constitute a declaration of war or equivalent ac-
19 tion. The resolution stated: “The President is authorized
20 to use the Armed Forces of the United States as he deems
21 necessary and appropriate in order to (1) defend the na-
22 tional security of the United States against the continuing
23 threat posed by Iraq; and (2) enforce all relevant United
24 Nations Security Council resolutions regarding Iraq.” The
25 resolution unlawfully sought to delegate to the President

1 the decision of whether or not to initiate a war against
2 Iraq, based on whether he deemed it “necessary and ap-
3 propriate.” The Constitution does not allow Congress to
4 delegate this exclusive power to the President, nor does
5 it allow the President to seize this power.

6 In March 2003, the President launched a war against
7 Iraq without any constitutional authority.

8 In all of these actions and decisions, President
9 George W. Bush has acted in a manner contrary to his
10 trust as President and Commander in Chief, and subver-
11 sive of constitutional government, to the prejudice of the
12 cause of law and justice and to the manifest injury of the
13 people of the United States. Wherefore, President George
14 W. Bush, by such conduct, is guilty of an impeachable
15 offense warranting removal from office.

16 ARTICLE VIII—INVADING IRAQ, A SOVEREIGN NATION,
17 IN VIOLATION OF THE U.N. CHARTER AND INTER-
18 NATIONAL CRIMINAL LAW

19 In his conduct while President of the United States,
20 George W. Bush, in violation of his constitutional oath to
21 faithfully execute the office of President of the United
22 States and, to the best of his ability, preserve, protect,
23 and defend the Constitution of the United States, and in
24 violation of his constitutional duty under article II, section
25 3 of the Constitution “to take care that the laws be faith-

1 fully executed”, violated United States law by invading the
2 sovereign country of Iraq in violation of the United Na-
3 tions Charter to wit:

4 (1) International Laws ratified by Congress are
5 part of United States Law and must be followed as
6 evidenced by the following:

7 (A) Article VI of the United States Con-
8 stitution, which states “This Constitution, and
9 the Laws of the United States which shall be
10 made in Pursuance thereof; and all Treaties
11 made, or which shall be made, under the Au-
12 thority of the United States, shall be the su-
13 preme Law of the Land;”.

14 (2) The U.N. Charter, which entered into force
15 following ratification by the United States in 1945,
16 requires Security Council approval for the use of
17 force except for self-defense against an armed attack
18 as evidenced by the following:

19 (A) Chapter 1, article 2 of the United Na-
20 tions Charter states:

21 “3. All Members shall settle their international
22 disputes by peaceful means in such a manner that
23 international peace and security, and justice, are not
24 endangered.

1 “4. All Members shall refrain in their inter-
2 national relations from the threat or use of force
3 against the territorial integrity or political independ-
4 ence of any state, or in any other manner incon-
5 sistent with the Purposes of the United Nations.”.

6 (B) Chapter 7, article 51 of the United
7 Nations Charter states:

8 “51. Nothing in the present Charter shall im-
9 pair the inherent right of individual or collective self-
10 defense if an armed attack occurs against a Member
11 of the United Nations, until the Security Council
12 has taken measures necessary to maintain inter-
13 national peace and security.”.

14 (3) There was no armed attack upon the
15 United States by Iraq.

16 (4) The Security Council did not vote to ap-
17 prove the use of force against Iraq as evidenced by:

18 (A) A United Nation Press release which
19 states that the United States had failed to con-
20 vince the Security Council to approve the use of
21 military force against Iraq. [UN]

22 (5) President Bush directed the United States
23 military to invade Iraq on March 19th, 2003 in vio-
24 lation of the U.N. Charter and, therefore, in viola-

1 tion of United States Law as evidenced by the fol-
2 lowing:

3 (A) A letter from President Bush to Con-
4 gress dated March 21st, 2003 stating “I di-
5 rected U.S. Armed Forces, operating with other
6 coalition forces, to commence combat operations
7 on March 19, 2003, against Iraq.”. [WH]

8 (B) On September 16, 2004, Kofi Annan,
9 the Secretary General of the United Nations,
10 speaking on the invasion, said, “I have indi-
11 cated it was not in conformity with the U.N.
12 charter. From our point of view, from the char-
13 ter point of view, it was illegal.”. [BBC]

14 (C) The consequence of the instant and di-
15 rection of President George W. Bush, in order-
16 ing an attack upon Iraq, a sovereign nation is
17 in direct violation of United States Code, title
18 18, part 1, chapter 118, section 2441, gov-
19 erning the offense of war crimes.

20 (6) In the course of invading and occupying
21 Iraq, the President, as Commander in Chief, has
22 taken responsibility for the targeting of civilians,
23 journalists, hospitals, and ambulances, use of anti-
24 personnel weapons including cluster bombs in dense-
25 ly settled urban areas, the use of white phosphorous

1 as a weapon, depleted uranium weapons, and the use
2 of a new version of napalm found in Mark 77 fire-
3 bombs. Under the direction of President George
4 Bush, the United States has engaged in collective
5 punishment of Iraqi civilian populations, including
6 but not limited to blocking roads, cutting electricity
7 and water, destroying fuel stations, planting bombs
8 in farm fields, demolishing houses, and plowing over
9 orchards.

10 (A) Under the principle of “command re-
11 sponsibility”, i.e., that a de jure command can
12 be civilian as well as military, and can apply to
13 the policy command of heads of state, said com-
14 mand brings President George Bush within the
15 reach of international criminal law under the
16 Additional Protocol I of June 8, 1977, to the
17 Geneva Conventions of August 12, 1949, and
18 Relating to the Protection of Victims of Inter-
19 national Armed Conflicts, article 86(2). The
20 United States is a state signatory to Additional
21 Protocol I, on December 12, 1977.

22 (B) Furthermore, article 85(3) of said
23 Protocol I defines as a grave breach making a
24 civilian population or individual civilians the ob-
25 ject of attacks. This offense, together with the

1 principle of command responsibility, places
2 President George Bush's conduct under the
3 reach of the same law and principles described
4 as the basis for war crimes prosecution at
5 Nuremburg, under article 6 of the Charter of
6 the Nuremberg Tribunals: including crimes
7 against peace, violations of the laws and cus-
8 toms of war and crimes against humanity, simi-
9 larly codified in the Rome Statute of the Inter-
10 national Criminal Court, articles 5 through 8.

11 (C) The Lancet Report has established
12 massive civilian casualties in Iraq as a result of
13 the United States invasion and occupation of
14 that country.

15 (D) International laws governing wars of
16 aggression are completely prohibited under the
17 legal principle of jus cogens, whether or not a
18 nation has signed or ratified a particular inter-
19 national agreement.

20 In all of these actions and decisions, President
21 George W. Bush has acted in a manner contrary to his
22 trust as President and Commander in Chief, and subver-
23 sive of constitutional government, to the prejudice of the
24 cause of law and justice and to the manifest injury of the
25 people of the United States. Wherefore, President George

1 W. Bush, by such conduct, is guilty of an impeachable
2 offense warranting removal from office.

3 ARTICLE IX—FAILING TO PROVIDE TROOPS WITH
4 BODY ARMOR AND VEHICLE ARMOR

5 In his conduct while President of the United States,
6 George W. Bush, in violation of his constitutional oath to
7 faithfully execute the office of President of the United
8 States and, to the best of his ability, preserve, protect,
9 and defend the Constitution of the United States, and in
10 violation of his constitutional duty under article II, section
11 3 of the Constitution “to take care that the laws be faith-
12 fully executed”, has both personally and acting through
13 his agents and subordinates, together with the Vice Presi-
14 dent, has been responsible for the deaths of members of
15 the U.S. military and serious injury and trauma to other
16 soldiers, by failing to provide available body armor and
17 vehicle armor.

18 While engaging in an invasion and occupation of
19 choice, not fought in self-defense, and not launched in ac-
20 cordance with any timetable other than the President’s
21 choosing, President Bush sent U.S. troops into danger
22 without providing them with armor. This shortcoming has
23 been known for years, during which time, the President
24 has chosen to allow soldiers and marines to continue to

1 face unnecessary risk to life and limb rather than pro-
2 viding them with armor.

3 In all of these actions and decisions, President
4 George W. Bush has acted in a manner contrary to his
5 trust as President and Commander in Chief, and subver-
6 sive of constitutional government, to the prejudice of the
7 cause of law and justice and to the manifest injury of the
8 people of the United States. Wherefore, President George
9 W. Bush, by such conduct, is guilty of an impeachable
10 offense warranting removal from office.

11 ARTICLE X—FALSIFYING ACCOUNTS OF U.S. TROOP
12 DEATHS AND INJURIES FOR POLITICAL PURPOSES

13 In his conduct while President of the United States,
14 George W. Bush, in violation of his constitutional oath to
15 faithfully execute the office of President of the United
16 States and, to the best of his ability, preserve, protect,
17 and defend the Constitution of the United States, and in
18 violation of his constitutional duty under article II, section
19 3 of the Constitution “to take care that the laws be faith-
20 fully executed”, has both personally and acting through
21 his agents and subordinates, together with the Vice Presi-
22 dent, promoted false propaganda stories about members
23 of the United States military, including individuals both
24 dead and injured.

1 The White House and the Department of Defense
2 (DOD) in 2004 promoted a false account of the death of
3 Specialist Pat Tillman, reporting that he had died in a
4 hostile exchange, delaying release of the information that
5 he had died from friendly fire, shot in the forehead three
6 times in a manner that led investigating doctors to believe
7 he had been shot at close range.

8 A 2005 report by Brig. Gen. Gary M. Jones reported
9 that in the days immediately following Specialist Tillman’s
10 death, U.S. Army investigators were aware that Specialist
11 Tillman was killed by friendly fire, shot three times to the
12 head, and that senior Army commanders, including Gen.
13 John Abizaid, knew of this fact within days of the shooting
14 but nevertheless approved the awarding of the Silver Star,
15 Purple Heart, and a posthumous promotion.

16 On April 24, 2007, Spc. Bryan O’Neal, the last sol-
17 dier to see Specialist Pat Tillman alive, testified before
18 the House Oversight and Government Reform Committee
19 that he was warned by superiors not to divulge informa-
20 tion that a fellow soldier killed Specialist Tillman, espe-
21 cially to the Tillman family. The White House refused to
22 provide requested documents to the committee, citing “ex-
23 ecutive branch confidentiality interests.”

24 The White House and DOD in 2003 promoted a false
25 account of the injury of Jessica Dawn Lynch, reporting

1 that she had been captured in a hostile exchange and had
2 been dramatically rescued. On April 2, 2003, the DOD
3 released a video of the rescue and claimed that Lynch had
4 stab and bullet wounds, and that she had been slapped
5 about on her hospital bed and interrogated. Iraqi doctors
6 and nurses later interviewed, including Dr. Harith Al-
7 Houssona, a doctor in the Nasirya hospital, described
8 Lynch's injuries as "a broken arm, a broken thigh, and
9 a dislocated ankle." According to Al-Houssona, there was
10 no sign of gunshot or stab wounds, and Lynch's injuries
11 were consistent with those that would be suffered in a car
12 accident. Al-Houssona's claims were later confirmed in a
13 U.S. Army report leaked on July 10, 2003.

14 Lynch denied that she fought or was wounded fight-
15 ing, telling Diane Sawyer that the Pentagon "used me to
16 symbolize all this stuff. It's wrong. I don't know why they
17 filmed [my rescue] or why they say these things. . . . I
18 did not shoot, not a round, nothing. I went down praying
19 to my knees. And that's the last I remember." She re-
20 ported excellent treatment in Iraq, and that one person
21 in the hospital even sang to her to help her feel at home.

22 On April 24, 2007, Lynch testified before the House
23 Committee on Oversight and Government Reform:

24 "[Right after my capture], tales of great heroism
25 were being told. My parent's home in Wirt County was

1 fully executed”, has violated an act of Congress that he
2 himself signed into law by using public funds to construct
3 permanent U.S. military bases in Iraq.

4 On January 28, 2008, President George W. Bush
5 signed into law the National Defense Authorization Act
6 for Fiscal Year 2008 (H.R. 4986). Noting that the Act
7 “authorizes funding for the defense of the United States
8 and its interests abroad, for military construction, and for
9 national security-related energy programs”, the president
10 added the following “signing statement”:

11 “Provisions of the Act, including sections 841, 846,
12 1079, and 1222, purport to impose requirements that
13 could inhibit the President’s ability to carry out his con-
14 stitutional obligations to take care that the laws be faith-
15 fully executed, to protect national security, to supervise
16 the executive branch, and to execute his authority as Com-
17 mander in Chief. The executive branch shall construe such
18 provisions in a manner consistent with the constitutional
19 authority of the President.”.

20 Section 1222 clearly prohibits the expenditure of
21 money for the purpose of establishing permanent U.S.
22 military bases in Iraq. The construction of over \$1 billion
23 in U.S. military bases in Iraq, including runways for air-
24 craft, continues despite congressional intent, as the Ad-

1 ministration intends to force upon the Iraqi Government
2 such terms which will assure the bases remain in Iraq.

3 Iraqi officials have informed Members of Congress in
4 May 2008 of the strong opposition within the Iraqi par-
5 liament and throughout Iraq to the agreement that the
6 administration is trying to negotiate with Iraqi Prime
7 Minister Nouri al-Maliki. The agreement seeks to assure
8 a long-term U.S. presence in Iraq of which military bases
9 are the most obvious, sufficient and necessary construct,
10 thus clearly defying Congressional intent as to the matter
11 and meaning of “permanency”.

12 In all of these actions and decisions, President
13 George W. Bush has acted in a manner contrary to his
14 trust as President and Commander in Chief, and subver-
15 sive of constitutional government, to the prejudice of the
16 cause of law and justice and to the manifest injury of the
17 people of the United States. Wherefore, President George
18 W. Bush, by such conduct, is guilty of an impeachable
19 offense warranting removal from office.

20 ARTICLE XII—INITIATING A WAR AGAINST IRAQ FOR
21 CONTROL OF THAT NATION’S NATURAL RESOURCES

22 In his conduct while President of the United States,
23 George W. Bush, in violation of his constitutional oath to
24 faithfully execute the office of President of the United
25 States and, to the best of his ability, preserve, protect,

1 and defend the Constitution of the United States, and in
2 violation of his constitutional duty under article II, section
3 3 of the Constitution “to take care that the laws be faith-
4 fully executed”, has both personally and acting through
5 his agents and subordinates, together with the Vice Presi-
6 dent, invaded and occupied a foreign nation for the pur-
7 pose, among other purposes, of seizing control of that na-
8 tion’s oil.

9 The White House and its representatives in Iraq
10 have, since the occupation of Baghdad began, attempted
11 to gain control of Iraqi oil. This effort has included pres-
12 suring the new Iraqi Government to pass a hydrocarbon
13 law. Within weeks of the fall of Saddam Hussein in 2003,
14 the U.S. Agency for International Development (USAid)
15 awarded a \$240 million contract to Bearing Point, a pri-
16 vate U.S. company. A Bearing Point employee, based in
17 the U.S. embassy in Baghdad, was hired to advise the
18 Iraqi Ministry of Oil on drawing up the new hydrocarbon
19 law. The draft law places executives of foreign oil compa-
20 nies on a council with the task of approving their own con-
21 tracts with Iraq; it denies the Iraqi National Oil Company
22 exclusive rights for the exploration, development, produc-
23 tion, transportation, and marketing of Iraqi oil, and allows
24 foreign companies to control Iraqi oil fields containing 80
25 percent of Iraqi oil for up to 35 years through contracts

1 that can remain secret for up to 2 months. The draft law
2 itself contains secret appendices.

3 President Bush provided unrelated reasons for the in-
4 vasion of Iraq to the public and Congress, but those rea-
5 sons have been established to have been categorically
6 fraudulent, as evidenced by the herein mentioned Articles
7 of Impeachment I, II, III, IV, VI, and VII.

8 Parallel to the development of plans for war against
9 Iraq, the U.S. State Department's Future of Iraq project,
10 begun as early as April 2002, involved meetings in Wash-
11 ington and London of 17 working groups, each composed
12 of 10 to 20 Iraqi exiles and international experts selected
13 by the State Department. The Oil and Energy working
14 group met four times between December 2002 and April
15 2003. Ibrahim Bahr al-Uloum, later the Iraqi Oil Min-
16 ister, was a member of the group, which concluded that
17 Iraq "should be opened to international oil companies as
18 quickly as possible after the war," and that, "the country
19 should establish a conducive business environment to at-
20 tract investment of oil and gas resources." The same
21 group recommended production-sharing agreements with
22 foreign oil companies, the same approach found in the
23 draft hydrocarbon law, and control over Iraq's oil re-
24 sources remains a prime objective of the Bush Administra-
25 tion.

1 Prior to his election as Vice President, Dick Cheney,
2 then-CEO of Halliburton, in a speech at the Institute of
3 Petroleum in 1999 demonstrated a keen awareness of the
4 sensitive economic and geopolitical role of Middle East oil
5 resources saying: “By 2010, we will need on the order of
6 an additional 50 million barrels a day. So where is the
7 oil going to come from? Governments and national oil com-
8 panies are obviously controlling about 90 percent of the
9 assets. Oil remains fundamentally a government business.
10 While many regions of the world offer great oil opportuni-
11 ties, the Middle East, with two-thirds of the world’s oil
12 and lowest cost, is still where the prize ultimately lies.
13 Even though companies are anxious for greater access
14 there, progress continues to be slow.”.

15 The Vice President led the work of a secret energy
16 task force, as described in article XXXII below, a task
17 force that focused on, among other things, the acquisition
18 of Iraqi oil through developing a controlling private cor-
19 porate interest in said oil.

20 In all of these actions and decisions, President
21 George W. Bush has acted in a manner contrary to his
22 trust as President and Commander in Chief, and subver-
23 sive of constitutional government, to the prejudice of the
24 cause of law and justice and to the manifest injury of the
25 people of the United States. Wherefore, President George

1 W. Bush, by such conduct, is guilty of an impeachable
2 offense warranting removal from office.

3 ARTICLE XIII—CREATING A SECRET TASK FORCE TO
4 DEVELOP ENERGY AND MILITARY POLICIES WITH
5 RESPECT TO IRAQ AND OTHER COUNTRIES

6 In his conduct while President of the United States,
7 George W. Bush, in violation of his constitutional oath to
8 faithfully execute the office of President of the United
9 States and, to the best of his ability, preserve, protect,
10 and defend the Constitution of the United States, and in
11 violation of his constitutional duty to take care that the
12 laws be faithfully executed, has both personally and acting
13 through his agents and subordinates, together with the
14 Vice President, created a secret task force to guide our
15 nation’s energy policy and military policy, and undermined
16 Congress’s ability to legislate by thwarting attempts to in-
17 vestigate the nature of that policy.

18 A Government Accountability Office (GAO) Report
19 on the Cheney Energy Task Force, in August 2003, de-
20 scribed the creation of this task force as follows:

21 “In a January 29, 2001, memorandum, the President
22 established NEPDG [the National Energy Policy Develop-
23 ment Group]—comprised of the Vice President, nine cabi-
24 net-level officials, and four other senior administration of-
25 ficials—to gather information, deliberate, and make rec-

1 ommendations to the President by the end of fiscal year
2 2001. The President called on the Vice President to chair
3 the group, direct its work and, as necessary, establish sub-
4 ordinate working groups to assist NEPDG.”.

5 The four “other senior administration officials” were
6 the Director of the Office of Management and Budget, the
7 Assistant to the President and Deputy Chief of Staff for
8 Policy, the Assistant to the President for Economic Policy,
9 and the Deputy Assistant to the President for Intergov-
10 ernmental Affairs.

11 The GAO report found that:

12 “In developing the National Energy Policy report, the
13 NEPDG Principals, Support Group, and participating
14 agency officials and staff met with, solicited input from,
15 or received information and advice from nonfederal energy
16 stakeholders, principally petroleum, coal, nuclear, natural
17 gas, and electricity industry representatives and lobbyists.
18 The extent to which submissions from any of these stake-
19 holders were solicited, influenced policy deliberations, or
20 were incorporated into the final report cannot be deter-
21 mined based on the limited information made available to
22 GAO. NEPDG met and conducted its work in two distinct
23 phases: the first phase culminated in a March 19, 2001,
24 briefing to the President on challenges relating to energy
25 supply and the resulting economic impact; the second

1 phase ended with the May 16, 2001, presentation of the
2 final report to the President. The Office of the Vice Presi-
3 dent's (OVP) unwillingness to provide the NEPDG
4 records or other related information precluded GAO from
5 fully achieving its objectives and substantially limited
6 GAO's ability to comprehensively analyze the NEPDG
7 process associated with that process.

8 “None of the key federal entities involved in the
9 NEPDG effort provided GAO with a complete accounting
10 of the costs that they incurred during the development of
11 the National Energy Policy report. The two federal enti-
12 ties responsible for funding the NEPDG effort—OVP and
13 the Department of Energy (DOE)—did not provide the
14 comprehensive cost information that GAO requested. OVP
15 provided GAO with 77 pages of information, two-thirds
16 of which contained no cost information while the remain-
17 ing one-third contained some miscellaneous information of
18 little to no usefulness. OVP stated that it would not pro-
19 vide any additional information. DOE, the Department of
20 the Interior, and the Environmental Protection Agency
21 (EPA) provided GAO with estimates of certain costs and
22 salaries associated with the NEPDG effort, but these esti-
23 mates, all calculated in different ways, were not com-
24 prehensive.”.

1 In 2003, the Commerce Department disclosed a par-
2 tial collection of materials from the NEPDG, including
3 documents, maps, and charts, dated March 2001, of
4 Iraq's, Saudi Arabia's and the United Arab Emirates' oil
5 fields, pipelines, refineries, tanker terminals, and develop-
6 ment projects.

7 On November 16, 2005, the Washington Post re-
8 ported on a White House document showing that oil com-
9 pany executives had met with the NEPDG, something that
10 some of those same executives had just that week denied
11 in Congressional testimony. The Bush Administration had
12 not corrected the inaccurate testimony.

13 On July 18, 2007, the Washington Post reported the
14 full list of names of those who had met with the NEPDG.

15 In 1998, Kenneth Derr, then chief executive of Chev-
16 ron, told a San Francisco audience, "Iraq possesses huge
17 reserves of oil and gas, reserves I'd love Chevron to have
18 access to." According to the GAO report, Chevron pro-
19 vided detailed advice to the NEPDG.

20 In March, 2001, the NEPDG recommended that the
21 United States Government support initiatives by Middle
22 Eastern countries "to open up areas of their energy sec-
23 tors to foreign investment." Following the invasion of
24 Iraq, the United States has pressured the new Iraqi par-
25 liament to pass a hydrocarbon law that would do exactly

1 that. The draft law, if passed, would take the majority
2 of Iraq's oil out of the exclusive hands of the Iraqi Govern-
3 ment and open it to international oil companies for a gen-
4 eration or more. The Bush administration hired Bearing
5 Point, a U.S. company, to help write the law in 2004. It
6 was submitted to the Iraqi Council of Representatives in
7 May 2007.

8 In all of these actions and decisions, President
9 George W. Bush has acted in a manner contrary to his
10 trust as President and Commander in Chief, and subver-
11 sive of constitutional government, to the prejudice of the
12 cause of law and justice and to the manifest injury of the
13 people of the United States. Wherefore, President George
14 W. Bush, by such conduct, is guilty of an impeachable
15 offense warranting removal from office.

16 ARTICLE XIV—MISPRISION OF A FELONY, MISUSE AND
17 EXPOSURE OF CLASSIFIED INFORMATION AND OB-
18 STRUCTION OF JUSTICE IN THE MATTER OF VAL-
19 ERIE PLAME WILSON, CLANDESTINE AGENT OF
20 THE CENTRAL INTELLIGENCE AGENCY

21 In his conduct while President of the United States,
22 George W. Bush, in violation of his constitutional oath to
23 faithfully execute the office of President of the United
24 States and, to the best of his ability, preserve, protect,
25 and defend the Constitution of the United States, and in

1 violation of his constitutional duty under article II, section
2 3 of the Constitution “to take care that the laws be faith-
3 fully executed”, has both personally and acting through
4 his agents and subordinates, together with the Vice Presi-
5 dent,

6 (1) suppressed material information;

7 (2) selectively declassified information for the
8 improper purposes of retaliating against a whistle-
9 blower and presenting a misleading picture of the al-
10 leged threat from Iraq;

11 (3) facilitated the exposure of the identity of
12 Valerie Plame Wilson who had theretofore been em-
13 ployed as a covert CIA operative;

14 (4) failed to investigate the improper leaks of
15 classified information from within his administra-
16 tion;

17 (5) failed to cooperate with an investigation
18 into possible federal violations resulting from this
19 activity; and

20 (6) finally, entirely undermined the prosecution
21 by commuting the sentence of Lewis Libby citing
22 false and insubstantial grounds, all in an effort to
23 prevent Congress and the citizens of the United
24 States from discovering the deceitful nature of the

1 President's claimed justifications for the invasion of
2 Iraq.

3 In facilitating this exposure of classified information
4 and the subsequent cover-up, in all of these actions and
5 decisions, President George W. Bush has acted in a man-
6 ner contrary to his trust as President, and subversive of
7 constitutional government, to the prejudice of the cause
8 of law and justice and to the manifest injury of the people
9 of the United States. Wherefore, President George W.
10 Bush, by such conduct, is guilty of an impeachable offense
11 warranting removal from office.

12 ARTICLE XV—PROVIDING IMMUNITY FROM

13 PROSECUTION FOR CRIMINAL CONTRACTORS IN IRAQ

14 In his conduct while President of the United States,
15 George W. Bush, in violation of his constitutional oath to
16 faithfully execute the office of President of the United
17 States and, to the best of his ability, preserve, protect,
18 and defend the Constitution of the United States, and in
19 violation of his constitutional duty under article II, section
20 3 of the Constitution “to take care that the laws be faith-
21 fully executed”, has both personally and acting through
22 his agents and subordinates, together with the Vice Presi-
23 dent, established policies granting United States Govern-
24 ment contractors and their employees in Iraq immunity
25 from Iraqi law, U.S. law, and international law.

1 Lewis Paul Bremer III, then-Director of Reconstruc-
2 tion and Humanitarian Assistance for post-war Iraq, on
3 June 27, 2004, issued Coalition Provisional Authority
4 Order Number 17, which granted members of the U.S.
5 military, U.S. mercenaries, and other U.S. contractor em-
6 ployees immunity from Iraqi law.

7 The Bush Administration has chosen not to apply the
8 Uniform Code of Military Justice or United States law
9 to mercenaries and other contractors employed by the
10 United States Government in Iraq.

11 Operating free of Iraqi or U.S. law, mercenaries have
12 killed many Iraqi civilians in a manner that observers have
13 described as aggression and not as self-defense. Many
14 U.S. contractors have also alleged that they have been the
15 victims of aggression (in several cases of rape) by their
16 fellow contract employees in Iraq. These charges have not
17 been brought to trial, and in several cases the contracting
18 companies and the U.S. State Department have worked
19 together in attempting to cover them up.

20 Under the Fourth Geneva Convention, to which the
21 United States is party, and which under article VI of the
22 U.S. Constitution is therefore the supreme law of the
23 United States, it is the responsibility of an occupying force
24 to ensure the protection and human rights of the civilian
25 population. The efforts of President Bush and his subordi-

1 nates to attempt to establish a lawless zone in Iraq are
2 in violation of the law.

3 In all of these actions and decisions, President
4 George W. Bush has acted in a manner contrary to his
5 trust as President and subversive of constitutional govern-
6 ment, to the prejudice of the cause of law and justice and
7 to the manifest injury of the people of the United States.
8 Wherefore, President George W. Bush, by such conduct,
9 is guilty of an impeachable offense warranting removal
10 from office.

11 ARTICLE XVI—RECKLESS MISSPENDING AND WASTE OF
12 U.S. TAX DOLLARS IN CONNECTION WITH IRAQ
13 CONTRACTORS

14 In his conduct while President of the United States,
15 George W. Bush, in violation of his constitutional oath to
16 faithfully execute the office of President of the United
17 States and, to the best of his ability, preserve, protect,
18 and defend the Constitution of the United States, and in
19 violation of his constitutional duty under article II, section
20 3 of the Constitution “to take care that the laws be faith-
21 fully executed”, has both personally and acting through
22 his agents and subordinates, together with the Vice Presi-
23 dent, recklessly wasted public funds on contracts awarded
24 to close associates, including companies guilty of defraud-
25 ing the government in the past, contracts awarded without

1 competitive bidding, “cost-plus” contracts designed to en-
2 courage cost overruns, and contracts not requiring satis-
3 factory completion of the work. These failures have been
4 the rule, not the exception, in the awarding of contracts
5 for work in the United States and abroad over the past
6 seven years. Repeated exposure of fraud and waste has
7 not been met by the president with correction of systemic
8 problems, but rather with retribution against whistle-
9 blowers.

10 The House Committee on Oversight and Government
11 Reform reported on Iraq reconstruction contracting:

12 “From the beginning, the Administration adopted a
13 flawed contracting approach in Iraq. Instead of maxi-
14 mizing competition, the Administration opted to award no-
15 bid, cost-plus contracts to politically connected contrac-
16 tors. Halliburton’s secret \$7 billion contract to restore
17 Iraq’s oil infrastructure is the prime example. Under this
18 no-bid, cost-plus contract, Halliburton was reimbursed for
19 its costs and then received an additional fee, which was
20 a percentage of its costs. This created an incentive for
21 Halliburton to run up its costs in order to increase its
22 potential profit.

23 “Even after the Administration claimed it was award-
24 ing Iraq contracts competitively in early 2004, real price
25 competition was missing. Iraq was divided geographically

1 and by economic sector into a handful of fiefdoms. Indi-
2 vidual contractors were then awarded monopoly contracts
3 for all of the work within given fiefdoms. Because these
4 monopoly contracts were awarded before specific projects
5 were identified, there was no actual price competition for
6 more than 2,000 projects.

7 “In the absence of price competition, rigorous govern-
8 ment oversight becomes essential for accountability. Yet
9 the Administration turned much of the contract oversight
10 work over to private companies with blatant conflicts of
11 interest. Oversight contractors oversaw their business
12 partners and, in some cases, were placed in a position to
13 assist their own construction work under separate monop-
14 oly construction contracts. . . .

15 “Under Halliburton’s two largest Iraq contracts,
16 Pentagon auditors found \$1 billion in ‘questioned’ costs
17 and over \$400 million in ‘unsupported’ costs. Former Hal-
18 liburton employees testified that the company charged \$45
19 for cases of soda, billed \$100 to clean 15-pound bags of
20 laundry, and insisted on housing its staff at the five-star
21 Kempinski hotel in Kuwait. Halliburton truck drivers tes-
22 tified that the company ‘torched’ brand new \$85,000
23 trucks rather than perform relatively minor repairs and
24 regular maintenance. Halliburton procurement officials
25 described the company’s informal motto in Iraq as ‘Don’t

1 worry about price. It's cost-plus.' A Halliburton manager
2 was indicted for 'major fraud against the United States'
3 for allegedly billing more than \$5.5 billion for work that
4 should have cost only \$685,000 in exchange for a \$1 mil-
5 lion kickback from a Kuwaiti subcontractor. . . .

6 "The Air Force found that another U.S. Government
7 contractor, Custer Battles, set up shell subcontractors to
8 inflate prices. Those overcharges were passed along to the
9 U.S. Government under the company's cost-plus contract
10 to provide security for Baghdad International Airport. In
11 one case, the company allegedly took Iraqi-owned forklifts,
12 re-painted them, and leased them to the U.S. Government.

13 "Despite the spending of billions of taxpayer dollars,
14 U.S. reconstruction efforts in key sectors of the Iraqi
15 economy are failing. Over two years after the U.S.-led in-
16 vasion of Iraq, oil and electricity production has fallen
17 below pre-war levels. The Administration has failed to
18 even measure how many Iraqis lack access to drinkable
19 water."

20 "Constitution in Crisis", a book by Congressman
21 John Conyers, details the Bush Administration's response
22 when contract abuse is made public:

23 "Bunnatine Greenhouse was the chief contracting of-
24 ficer at the Army Corps of Engineers, the agency that has
25 managed much of the reconstruction work in Iraq. In Oc-

1 tober 2004, Ms. Greenhouse came forward and revealed
2 that top Pentagon officials showed improper favoritism to
3 Halliburton when awarding military contracts to Halli-
4 burton subsidiary Kellogg Brown & Root (KBR). Green-
5 house stated that when the Pentagon awarded Halliburton
6 a five-year \$7 billion contract, it pressured her to with-
7 draw her objections, actions which she claimed were un-
8 precedented in her experience.

9 “On June 27, 2005, Ms. Greenhouse testified before
10 Congress, detailing that the contract award process was
11 compromised by improper influence by political ap-
12 pointees, participation by Halliburton officials in meetings
13 where bidding requirements were discussed, and a lack of
14 competition. She stated that the Halliburton contracts
15 represented ‘the most blatant and improper contract abuse
16 I have witnessed during the course of my professional ca-
17 reer.’ Days before the hearing, the acting general counsel
18 of the Army Corps of Engineers paid Ms. Greenhouse a
19 visit and reportedly let it be known that it would not be
20 in her best interest to appear voluntarily.

21 “On August 27, 2005, the Army demoted Ms. Green-
22 house, removing her from the elite Senior Executive Serv-
23 ice and transferring her to a lesser job in the corps’ civil
24 works division. As Frank Rich of The New York Times
25 described the situation, ‘[H]er crime was not obstructing

1 justice but pursuing it by vehemently questioning irreg-
2 ularities in the awarding of some \$7 billion worth of no-
3 bid contracts in Iraq to the Halliburton subsidiary Kellogg
4 Brown Root.’ The demotion was in apparent retaliation
5 for her speaking out against the abuses, even though she
6 previously had stellar reviews and over 20 years of experi-
7 ence in military procurement.”.

8 The House Committee on Oversight and Government
9 Reform reports on domestic contracting:

10 “The Administration’s domestic contracting record is
11 no better than its record on Iraq. Waste, fraud, and abuse
12 appear to be the rule rather than the exception. . . .

13 “A Transportation Security Administration (TSA)
14 cost-plus contract with NCS Pearson, Inc., to hire Federal
15 airport screeners was plagued by poor management and
16 egregious waste. Pentagon auditors challenged \$303 mil-
17 lion (over 40 percent) of the \$741 million spent by Pear-
18 son under the contract. The auditors detailed numerous
19 concerns with the charges of Pearson and its subcontractors,
20 such as ‘\$20-an-hour temporary workers billed to the
21 government at \$48 per hour, subcontractors who signed
22 out \$5,000 in cash at a time with no supporting docu-
23 ments, \$377,273.75 in unsubstantiated long distance
24 phone calls, \$514,201 to rent tents that flooded in a rain-
25 storm, [and] \$4.4 million in “no show” fees for job can-

1 didates who did not appear for tests.’ A Pearson employee
2 who supervised Pearson’s hiring efforts at 43 sites in the
3 U.S. described the contract as ‘a waste of taxpayer’s
4 money.’ The CEO of one Pearson subcontractor paid her-
5 self \$5.4 million for nine months work and provided her-
6 self with a \$270,000 pension. . . .

7 “The Administration is spending \$239 million on the
8 Integrated Surveillance and Intelligence System, a no-bid
9 contract to provide thousands of cameras and sensors to
10 monitor activity on the Mexican and Canadian borders.
11 Auditors found that the contractor, International Micro-
12 wave Corp., billed for work it never did and charged for
13 equipment it never provided, ‘creat[ing] a potential for
14 overpayments of almost \$13 million.’ Moreover, the border
15 monitoring system reportedly does not work. . . .

16 “After spending more than \$4.5 billion on screening
17 equipment for the Nation’s entry points, the Department
18 of Homeland Security is now ‘moving to replace or alter
19 much of’ it because ‘it is ineffective, unreliable or too ex-
20 pensive to operate.’ For example, radiation monitors at
21 ports and borders reportedly could not ‘differentiate be-
22 tween radiation emitted by a nuclear bomb and naturally
23 occurring radiation from everyday material like cat litter
24 or ceramic tile’. . . .

1 “The TSA awarded Boeing a cost-plus contract to in-
2 stall over 1,000 explosive detection systems for airline pas-
3 senger luggage. After installation, the machines ‘began to
4 register false alarms’ and ‘[s]creeners were forced to open
5 and hand-check bags.’ To reduce the number of false
6 alarms, the sensitivity of the machines was lowered, which
7 reduced the effectiveness of the detectors. Despite these
8 serious problems, Boeing received an \$82 million profit
9 that the Inspector General determined to be ‘exces-
10 sive’. . . .

11 “The FBI spent \$170 million on a ‘Virtual Case File’
12 system that does not operate as required. After three years
13 of work under a cost-plus contract failed to produce a
14 functional system, the FBI scrapped the program and
15 began work on the new ‘Sentinel’ Case File System. . . .

16 “The Department of Homeland Security Inspector
17 General found that taxpayer dollars were being lavished
18 on perks for agency officials. One IG report found that
19 TSA spent over \$400,000 on its first leader’s executive
20 office suite. Another found that TSA spent \$350,000 on
21 a gold-plated gym. . . .

22 “According to news reports, Pentagon auditors . . .
23 examined a contract between the Transportation Security
24 Administration (TSA) and Unisys, a technology and con-
25 sulting company, for the upgrade of airport computer net-

1 works. Among other irregularities, government auditors
2 found that Unisys may have overbilled for as much as
3 171,000 hours of labor and overtime by charging for em-
4 ployees at up to twice their actual rate of compensation.
5 While the cost ceiling for the contract was set at \$1 billion,
6 Unisys has reportedly billed the Government \$940 million
7 with more than half of the seven-year contract remaining
8 and more than half of the TSA-monitored airports still
9 lacking upgraded networks.”.

10 In all of these actions and decisions, President
11 George W. Bush has acted in a manner contrary to his
12 trust as President and Commander in Chief, and subver-
13 sive of constitutional government, to the prejudice of the
14 cause of law and justice and to the manifest injury of the
15 people of the United States. Wherefore, President George
16 W. Bush, by such conduct, is guilty of an impeachable
17 offense warranting removal from office.

18 ARTICLE XVII—ILLEGAL DETENTION: DETAINING IN-
19 DEFINITELY AND WITHOUT CHARGE PERSONS
20 BOTH U.S. CITIZENS AND FOREIGN CAPTIVES

21 In his conduct while President of the United States,
22 George W. Bush, in violation of his constitutional oath to
23 faithfully execute the office of President of the United
24 States and, to the best of his ability, preserve, protect,
25 and defend the Constitution of the United States, and in

1 violation of his constitutional duty under article II, section
2 3 of the Constitution “to take care that the laws be faith-
3 fully executed”, has both personally and acting through
4 his agents and subordinates, together with the Vice Presi-
5 dent, violated United States and International Law and
6 the U.S. Constitution by illegally detaining indefinitely
7 and without charge persons both U.S. citizens and foreign
8 captives.

9 In a statement on February 7, 2002, President Bush
10 declared that in the U.S. fight against al Qaeda, “none
11 of the provisions of Geneva apply,” thus rejecting the Ge-
12 neva Conventions that protect captives in wars and other
13 conflicts. By that time, the administration was already
14 transporting captives from the war in Afghanistan, both
15 alleged al Qaeda members and supporters, and also Af-
16 ghans accused of being fighters in the army of the Taliban
17 government, to U.S.-run prisons in Afghanistan and to the
18 detention facility at Guantanamo Bay, Cuba. The round-
19 up and detention without charge of Muslim non-citizens
20 inside the U.S. began almost immediately after the Sep-
21 tember 11, 2001, attacks on the World Trade Center and
22 the Pentagon, with some being held as long as nine
23 months. The U.S., on orders of the president, began cap-
24 turing and detaining without charge alleged terror sus-

1 pects in other countries and detaining them abroad and
2 at the U.S. Naval base in Guantanamo.

3 Many of these detainees have been subjected to sys-
4 tematic abuse, including beatings, which have been subse-
5 quently documented by news reports, photographic evi-
6 dence, testimony in Congress, lawsuits, and in the case
7 of detainees in the U.S., by an investigation conducted by
8 the Justice Department's Office of the Inspector General.

9 In violation of U.S. law and the Geneva Conventions,
10 the Bush Administration instructed the Department of
11 Justice and the U.S. Department of Defense to refuse to
12 provide the identities or locations of these detainees, de-
13 spite requests from Congress and from attorneys for the
14 detainees. The president even declared the right to detain
15 U.S. citizens indefinitely, without charge and without pro-
16 viding them access to counsel or the courts, thus depriving
17 them of their constitutional and basic human rights. Sev-
18 eral of those U.S. citizens were held in military briggs in
19 solitary confinement for as long as three years before
20 being either released or transferred to civilian detention.

21 Detainees in U.S. custody in Iraq and Guantanamo
22 have, in violation of the Geneva Conventions, been hidden
23 from and denied visits by the International Red Cross or-
24 ganization, while thousands of others in Iraq, Guanta-
25 namo, Afghanistan, ships in foreign off-shore sites, and

1 an unknown number of so-called “black sites” around the
2 world have been denied any opportunity to challenge their
3 detentions. The president, acting on his own claimed au-
4 thority, has declared the hundreds of detainees at Guanta-
5 namo Bay to be “enemy combatants” not subject to U.S.
6 law and not even subject to military law, but nonetheless
7 potentially liable to the death penalty.

8 The detention of individuals without due process vio-
9 lates the 5th Amendment. While the Bush administration
10 has been rebuked in several court cases, most recently that
11 of Ali al-Marri, it continues to attempt to exceed constitu-
12 tional limits.

13 In all of these actions violating U.S. and Inter-
14 national law, President George W. Bush has acted in a
15 manner contrary to his trust as President and Commander
16 in Chief, and subversive of constitutional government, to
17 the prejudice of the cause of law and justice and to the
18 manifest injury of the people of the United States. Where-
19 fore, President George W. Bush, by such conduct, is guilty
20 of an impeachable offense warranting removal from office.

1 ARTICLE XVIII—TORTURE: SECRETLY AUTHORIZING,
2 AND ENCOURAGING THE USE OF TORTURE AGAINST
3 CAPTIVES IN AFGHANISTAN, IRAQ, AND OTHER
4 PLACES, AS A MATTER OF OFFICIAL POLICY

5 In his conduct while President of the United States,
6 George W. Bush, in violation of his constitutional oath to
7 faithfully execute the office of President of the United
8 States and, to the best of his ability, preserve, protect,
9 and defend the Constitution of the United States, and in
10 violation of his constitutional duty under article II, section
11 3 of the Constitution “to take care that the laws be faith-
12 fully executed”, has both personally and acting through
13 his agents and subordinates, together with the Vice Presi-
14 dent, violated United States and International Law and
15 the U.S. Constitution by secretly authorizing and encour-
16 aging the use of torture against captives in Afghanistan,
17 Iraq in connection with the so-called “war” on terror.

18 In violation of the Constitution, U.S. law, the Geneva
19 Conventions (to which the U.S. is a signatory), and in vio-
20 lation of basic human rights, torture has been authorized
21 by the President and his administration as official policy.
22 Water-boarding, beatings, faked executions, confinement
23 in extreme cold or extreme heat, prolonged enforcement
24 of painful stress positions, sleep deprivation, sexual humil-
25 iation, and the defiling of religious articles have been prac-

1 ticed and exposed as routine at Guantanamo, at Abu
2 Ghraib Prison and other U.S. detention sites in Iraq, and
3 at Bagram Air Base in Afghanistan. The president, be-
4 sides bearing responsibility for authorizing the use of tor-
5 ture, also as Commander in Chief, bears ultimate respon-
6 sibility for the failure to halt these practices and to punish
7 those responsible once they were exposed.

8 The administration has sought to claim the abuse of
9 captives is not torture, by redefining torture. An August
10 1, 2002, memorandum from the Administration's Office
11 of Legal Counsel Jay S. Bybee addressed to White House
12 Counsel Alberto R. Gonzales concluded that to constitute
13 torture, any pain inflicted must be akin to that accom-
14 panying "serious physical injury, such as organ failure,
15 impairment of bodily function, or even death." The memo-
16 randum went on to state that even should an act con-
17 stitute torture under that minimal definition, it might still
18 be permissible if applied to "interrogations undertaken
19 pursuant to the President's Commander-in-Chief powers."
20 The memorandum further asserted that "necessity or self-
21 defense could provide justifications that would eliminate
22 any criminal liability."

23 This effort to redefine torture by calling certain prac-
24 tices simply "enhanced interrogation techniques" flies in
25 the face of the Third Geneva Convention Relating to the

1 Treatment of Prisoners of War, which states that “No
2 physical or mental torture, nor any other form of coercion,
3 may be inflicted on prisoners of war to secure from them
4 information of any kind whatever. Prisoners of war who
5 refuse to answer may not be threatened, insulted, or ex-
6 posed to any unpleasant or disadvantageous treatment of
7 any kind.”

8 Torture is further prohibited by the Universal Dec-
9 laration of Human Rights, the paramount international
10 human rights statement adopted unanimously by the
11 United Nations General Assembly, including the United
12 States, in 1948. Torture and other cruel, inhuman or de-
13 grading treatment or punishment is also prohibited by
14 international treaties ratified by the United States: the
15 International Covenant on Civil and Political Rights
16 (ICCPR) and the Convention Against Torture and Other
17 Cruel Inhuman or Degrading Treatment or Punishment
18 (CAT).

19 When the Congress, in the Defense Authorization Act
20 of 2006, overwhelmingly passed a measure banning tor-
21 ture and sent it to the President’s desk for signature, the
22 President, who together with his vice president, had
23 fought hard to block passage of the amendment, signed
24 it, but then quietly appended a signing statement in which

1 he pointedly asserted that as Commander in Chief, he was
2 not bound to obey its strictures.

3 The administration's encouragement of and failure to
4 prevent torture of American captives in the wars in Iraq
5 and Afghanistan, and in the battle against terrorism, has
6 undermined the rule of law in the U.S. and in the U.S.
7 military, and has seriously damaged both the effort to
8 combat global terrorism, and more broadly, America's
9 image abroad. In his effort to hide torture by U.S. military
10 forces and the CIA, the president has defied Congress and
11 has lied to the American people, repeatedly claiming that
12 the U.S. "does not torture".

13 In all of these actions and decisions in violation of
14 U.S. and International law, President George W. Bush
15 has acted in a manner contrary to his trust as President
16 and Commander in Chief, and subversive of constitutional
17 government, to the prejudice of the cause of law and jus-
18 tice and to the manifest injury of the people of the United
19 States. Wherefore, President George W. Bush, by such
20 conduct, is guilty of an impeachable offense warranting
21 removal from office.

1 ARTICLE XIX—RENDITION: KIDNAPPING PEOPLE AND
2 TAKING THEM AGAINST THEIR WILL TO “BLACK
3 SITES” LOCATED IN OTHER NATIONS, INCLUDING
4 NATIONS KNOWN TO PRACTICE TORTURE

5 In his conduct while President of the United States,
6 George W. Bush, in violation of his constitutional oath to
7 faithfully execute the office of President of the United
8 States and, to the best of his ability, preserve, protect,
9 and defend the Constitution of the United States, and in
10 violation of his constitutional duty under article II, section
11 3 of the Constitution “to take care that the laws be faith-
12 fully executed”, has both personally and acting through
13 his agents and subordinates, together with the Vice Presi-
14 dent, violated United States and International Law and
15 the U.S. Constitution by kidnapping people and
16 renditioning them to “black sites” located in other na-
17 tions, including nations known to practice torture.

18 The president has publicly admitted that since the 9/
19 11 attacks in 2001, the U.S. has been kidnapping and
20 transporting against the will of the subject (renditioning)
21 in its so-called “war” on terror—even people captured by
22 U.S. personnel in friendly nations like Sweden, Germany,
23 Macedonia and Italy—and ferrying them to places like
24 Bagram Airbase in Afghanistan, and to prisons operated
25 in Eastern European countries, African countries and

1 Middle Eastern countries where security forces are known
2 to practice torture.

3 These people are captured and held indefinitely, with-
4 out any charges being filed, and are held without being
5 identified to the Red Cross, or to their families. Many are
6 clearly innocent, and several cases, including one in Can-
7 ada and one in Germany, have demonstrably been shown
8 subsequently to have been in error, because of a similarity
9 of names or because of misinformation provided to U.S.
10 authorities.

11 Such a policy is in clear violation of U.S. and Inter-
12 national Law, and has placed the United States in the
13 position of a pariah state. The CIA has no law enforce-
14 ment authority, and cannot legally arrest or detain any-
15 one. The program of “extraordinary rendition” authorized
16 by the president is the substantial equivalent of the poli-
17 cies of “disappearing” people, practices widely practiced
18 and universally condemned in the military dictatorships of
19 Latin America during the late 20th Century.

20 The administration has claimed that prior adminis-
21 trations have practiced extraordinary rendition, but, while
22 this is technically true, earlier renditions were used only
23 to capture people with outstanding arrest warrants or con-
24 victions who were outside in order to deliver them to stand
25 trial or serve their sentences in the U.S. The president

1 has refused to divulge how many people have been subject
2 to extraordinary rendition since September, 2001. It is
3 possible that some have died in captivity. As one U.S. offi-
4 cial has stated off the record, regarding the program, some
5 of those who were renditioned were later delivered to
6 Guantanamo, while others were sent there directly. An ex-
7 ample of this is the case of six Algerian Bosnians who,
8 immediately after being cleared by the Supreme Court of
9 Bosnia Herzegovina in January 2002 of allegedly plotting
10 to attack the U.S. and U.K. embassies, were captured,
11 bound and gagged by U.S. special forces and renditioned
12 to Guantanamo.

13 In perhaps the most egregious proven case of ren-
14 dition, Maher Arar, a Canadian citizen born in Syria, was
15 picked up in September 2002 while transiting through
16 New York's JFK airport on his way home to Canada. Im-
17 migration and FBI officials detained and interrogated him
18 for nearly two weeks, illegally denying him his rights to
19 access counsel, the Canadian consulate, and the courts.
20 Executive branch officials asked him if he would volunteer
21 to go to Syria, where he hadn't been in 15 years, and
22 Maher refused.

23 Maher was put on a private jet plane operated by the
24 CIA and sent to Jordan, where he was beaten for 8 hours,
25 and then delivered to Syria, where he was beaten and in-

1 terrogated for 18 hours a day for a couple of weeks. He
2 was whipped on his back and hands with a 2 inch thick
3 electric cable and asked questions similar to those he had
4 been asked in the United States. For over ten months
5 Maher was held in an underground grave-like cell—3 ×
6 6 × 7 feet—which was damp and cold, and in which the
7 only light came in through a hole in the ceiling. After a
8 year of this, Maher was released without any charges. He
9 is now back home in Canada with his family. Upon his
10 release, the Syrian Government announced he had no links
11 to al Qaeda, and the Canadian Government has also said
12 they've found no links to al Qaeda. The Canadian Govern-
13 ment launched a Commission of Inquiry into the Actions
14 of Canadian Officials in Relation to Maher Arar, to inves-
15 tigate the role of Canadian officials, but the Bush Admin-
16 istration has refused to cooperate with the Inquiry.

17 Hundreds of flights of CIA-chartered planes have
18 been documented as having passed through European
19 countries on extraordinary rendition missions like that in-
20 volving Maher Arar, but the administration refuses to
21 state how many people have been subjects of this illegal
22 program.

23 The same U.S. laws prohibiting aiding and abetting
24 torture also prohibit sending someone to a country where
25 there is a substantial likelihood they may be tortured. Ar-

1 ticle 3 of CAT prohibits forced return where there is a
2 “substantial likelihood” that an individual “may be in
3 danger of” torture, and has been implemented by Federal
4 statute. Article 7 of the ICCPR prohibits return to coun-
5 try of origin where individuals may be “at risk” of either
6 torture or cruel, inhuman or degrading treatment.

7 Under international Human Rights law, transferring
8 a POW to any nation where he or she is likely to be tor-
9 tured or inhumanely treated violates article 12 of the
10 Third Geneva Convention, and transferring any civilian
11 who is a protected person under the Fourth Geneva Con-
12 vention is a grave breach and a criminal act.

13 In situations of armed conflict, both international
14 human rights law and humanitarian law apply. A person
15 captured in the zone of military hostilities “must have
16 some status under international law; he is either a pris-
17 oner of war and, as such, covered by the Third Conven-
18 tion, [or] a civilian covered by the Fourth Conven-
19 tion. . . . There is no intermediate status; nobody in
20 enemy hands can be outside the law.” Although the state
21 is obligated to repatriate prisoners of war as soon as hos-
22 tilities cease, the ICRC’s commentary on the 1949 Con-
23 ventions states that prisoners should not be repatriated
24 where there are serious reasons for fearing that repa-
25 triating the individual would be contrary to general prin-

1 ciples of established international law for the protection
2 of human beings. Thus, all of the Guantanamo detainees
3 as well as renditioned captives are protected by inter-
4 national human rights protections and humanitarian law.

5 By his actions as outlined above, the President has
6 abused his power, broken the law, deceived the American
7 people, and placed American military personnel, and in-
8 deed all Americans—especially those who may travel or
9 live abroad—at risk of similar treatment. Furthermore, in
10 the eyes of the rest of the world, the President has made
11 the U.S., once a model of respect for human rights and
12 respect for the rule of law, into a state where international
13 law is neither respected nor upheld.

14 In all of these actions and decisions in violation of
15 United States and International law, President George W.
16 Bush has acted in a manner contrary to his trust as Presi-
17 dent and Commander in Chief, and subversive of constitu-
18 tional government, to the prejudice of the cause of law
19 and justice and to the manifest injury of the people of
20 the United States. Wherefore, President George W. Bush,
21 by such conduct, is guilty of an impeachable offense war-
22 ranting removal from office.

23 ARTICLE XX—IMPRISONING CHILDREN

24 In his conduct while President of the United States,
25 George W. Bush, in violation of his constitutional oath to

1 faithfully execute the office of President of the United
2 States and, to the best of his ability, preserve, protect,
3 and defend the Constitution of the United States, and in
4 violation of his constitutional duty under article II, section
5 3 of the Constitution “to take care that the laws be faith-
6 fully executed”, has both personally and acting through
7 his agents and subordinates, authorized or permitted the
8 arrest and detention of at least 2,500 children under the
9 age of 18 as “enemy combatants” in Iraq, Afghanistan,
10 and at Guantanamo Bay Naval Station in violation of the
11 Fourth Geneva Convention relating to the treatment of
12 “protected persons” and the Optional Protocol to the Ge-
13 neva Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, signed by the U.S.
14 in 2002. To wit:

16 In May 2008, the U.S. Government reported to the
17 United Nations that it has been holding upwards of 2,500
18 children under the age of 18 as “enemy combatants” at
19 detention centers in Iraq, Afghanistan and at Guanta-
20 namo Bay (where there was a special center, Camp Igua-
21 na, established just for holding children). The length of
22 these detentions has frequently exceeded a year, and in
23 some cases has stretched to five years. Some of these de-
24 tainees have reached adulthood in detention and are now

1 not being reported as child detainees because they are no
2 longer children.

3 In addition to detaining children as “enemy combat-
4 ants”, it has been widely reported in media reports that
5 the U.S. military in Iraq has, based upon Pentagon rules
6 of engagement, been treating boys as young as 14 years
7 of age as “potential combatants”, subject to arrest and
8 even to being killed. In Fallujah, in the days ahead of the
9 November 2004 all-out assault, Marines ringing the city
10 were reported to be turning back into the city men and
11 boys “of combat age” who were trying to flee the impend-
12 ing scene of battle—an act which in itself is a violation
13 of the Geneva Conventions, which require combatants to
14 permit anyone, combatants as well as civilians, to sur-
15 render, and to leave the scene of battle.

16 Under the Fourth Geneva Convention, to which the
17 United States has been a signatory since 1949, children
18 under the age of 15 captured in conflicts, even if they have
19 been fighting, are to be considered victims, not prisoners.
20 In 2002, the United States signed the Optional Protocol
21 to the Geneva Convention on the Rights of the Child on
22 the Involvement of children in Armed Conflict, which
23 raised this age for this category of “protected person” to
24 under 18.

1 The continued detention of such children, some as
2 young as 10, by the U.S. military is a violation of both
3 convention and protocol, and as such constitutes a war
4 crime for which the President, as Commander in Chief,
5 bears full responsibility.

6 In all of these actions and decisions, President
7 George W. Bush has acted in a manner contrary to his
8 trust as President and Commander in Chief, and subver-
9 sive of constitutional government, to the prejudice of the
10 cause of law and justice and to the manifest injury of the
11 people of the United States. Wherefore, President George
12 W. Bush, by such conduct, is guilty of an impeachable
13 offense warranting removal from office.

14 ARTICLE XXI—MISLEADING CONGRESS AND THE AMER-
15 ICAN PEOPLE ABOUT THREATS FROM IRAN, AND
16 SUPPORTING TERRORIST ORGANIZATIONS WITHIN
17 IRAN, WITH THE GOAL OF OVERTHROWING THE
18 IRANIAN GOVERNMENT

19 In his conduct while President of the United States,
20 George W. Bush, in violation of his constitutional oath to
21 faithfully execute the office of President of the United
22 States and, to the best of his ability, preserve, protect,
23 and defend the Constitution of the United States, and in
24 violation of his constitutional duty to take care that the
25 laws be faithfully executed, has both personally and acting

1 through his agents and subordinates misled the Congress
2 and the citizens of the United States about a threat of
3 nuclear attack from the nation of Iran.

4 The National Intelligence Estimate released to Con-
5 gress and the public on December 4, 2007, which con-
6 firmed that the government of the nation of Iran had
7 ceased any efforts to develop nuclear weapons, was com-
8 pleted in 2006. Yet, the president and his aides continued
9 to suggest during 2007 that such a nuclear threat was
10 developing and might already exist. National Security Ad-
11 viser Stephen Hadley stated at the time the National In-
12 telligence Estimate regarding Iran was released that the
13 president had been briefed on its findings “in the last few
14 months”. Hadley’s statement establishes a timeline that
15 shows the president knowingly sought to deceive Congress
16 and the American people about a nuclear threat that did
17 not exist.

18 Hadley has stated that the president “was basically
19 told: stand down” and, yet, the president and his aides
20 continued to make false claims about the prospect that
21 Iran was trying to “build a nuclear weapon” that could
22 lead to “World War III”.

23 This evidence establishes that the president actively
24 engaged in and had full knowledge of a campaign by his
25 administration to make a false “case” for an attack on

1 Iran, thus warping the national security debate at a crit-
2 ical juncture and creating the prospect of an illegal and
3 unnecessary attack on a sovereign nation.

4 Even after the National Intelligence Estimate was re-
5 leased to Congress and the American people, the president
6 stated that he did not believe anything had changed and
7 suggested that he and members of his administration
8 would continue to argue that Iran should be seen as posing
9 a threat to the United States. He did this despite the fact
10 that United States intelligence agencies had clearly and
11 officially stated that this was not the case.

12 Evidence suggests that the Bush Administration's at-
13 tempts to portray Iran as a threat are part of a broader
14 U.S. policy toward Iran. On September 30, 2001, then-
15 Secretary of Defense Donald Rumsfeld established an offi-
16 cial military objective of overturning the regime in Iran,
17 as well as those in Iraq, Syria, and four other countries
18 in the Middle East, according to a document quoted in
19 then-Undersecretary of Defense for Policy Douglas Feith's
20 book, "War and Decision".

21 General Wesley Clark, reports in his book "Winning
22 Modern Wars" being told by a friend in the Pentagon in
23 November 2001 that the list of governments that Rums-
24 feld and Deputy Secretary of Defense Paul Wolfowitz
25 planned to overthrow included Iraq, Iran, Syria, Libya,

1 Sudan, and Somalia. Clark writes that the list also in-
2 cluded Lebanon.

3 Journalist Gareth Porter reported in May 2008 ask-
4 ing Feith at a public event which of the six regimes on
5 the Clark list were included in the Rumsfeld paper, to
6 which Feith replied “All of them”.

7 Rumsfeld’s aides also drafted a second version of the
8 paper, as instructions to all military commanders in the
9 development of “campaign plans against terrorism”. The
10 paper called for military commanders to assist other gov-
11 ernment agencies “as directed” to “encourage populations
12 dominated by terrorist organizations or their supporters
13 to overthrow that domination”.

14 In January 2005, Seymour Hersh reported in the
15 New Yorker Magazine that the Bush Administration had
16 been conducting secret reconnaissance missions inside
17 Iran at least since the summer of 2004.

18 In June 2005 former United Nations weapons inspec-
19 tor Scott Ritter reported that United States security
20 forces had been sending members of the Mujahedeen-e
21 Khalq (MEK) into Iranian territory. The MEK has been
22 designated a terrorist organization by the United States,
23 the European Union, Canada, Iraq, and Iran. Ritter re-
24 ported that the United States Central Intelligence Agency

1 (CIA) had used the MEK to carry out remote bombings
2 in Iran.

3 In April 2006, Hersh reported in the New Yorker
4 Magazine that U.S. combat troops had entered and were
5 operating in Iran, where they were working with minority
6 groups including the Azeris, Baluchis, and Kurds.

7 Also in April 2006, Larisa Alexandrovna reported on
8 Raw Story that the U.S. Department of Defense (DOD)
9 was working with and training the MEK, or former mem-
10 bers of the MEK, sending them to commit acts of violence
11 in southern Iran in areas where recent attacks had left
12 many dead. Raw Story reported that the Pentagon had
13 adopted the policy of supporting MEK shortly after the
14 2003 invasion of Iraq, and in response to the influence
15 of Vice President Richard B. Cheney's office. Raw Story
16 subsequently reported that no Presidential finding, and no
17 Congressional oversight, existed on MEK operations.

18 In March 2007, Hersh reported in the New Yorker
19 Magazine that the Bush administration was attempting to
20 stem the growth of Shiite influence in the Middle East
21 (specifically the Iranian Government and Hezbollah in
22 Lebanon) by funding violent Sunni organizations, without
23 any Congressional authorization or oversight. Hersh said
24 funds had been given to "three Sunni jihadist groups . . .
25 connected to al Qaeda" that "want to take on Hezbollah".

1 In April 2008, the Los Angeles Times reported that
2 conflicts with insurgent groups along Iran’s borders were
3 understood by the Iranian Government as a proxy war
4 with the United States and were leading Iran to support
5 its allies against the United States occupation force in
6 Iraq. Among the groups the U.S. DOD is supporting, ac-
7 cording to this report, is the Party for Free Life in
8 Kurdistan, known by its Kurdish acronym, PEJAK. The
9 United States has provided “foodstuffs, economic assist-
10 ance, medical supplies, and Russian military equipment,
11 some of it funneled through nonprofit groups”.

12 In May 2008, Andrew Cockburn reported on Counter
13 Punch that President Bush, six weeks earlier had signed
14 a secret finding authorizing a covert offensive against the
15 Iranian regime. President Bush’s secret directive covers
16 actions across an area stretching from Lebanon to Af-
17 ghanistan, and purports to sanction actions up to and in-
18 cluding the funding of organizations like the MEK and
19 the assassination of public officials.

20 All of these actions by the President and his agents
21 and subordinates exhibit a disregard for the truth and a
22 recklessness with regard to national security, nuclear pro-
23 liferation and the global role of the United States military
24 that is not merely unacceptable but dangerous in a com-
25 mander in chief.

1 In all of these actions and decisions, President
2 George W. Bush has acted in a manner contrary to his
3 trust as President and Commander in Chief, and subver-
4 sive of constitutional government, to the prejudice of the
5 cause of law and justice and to the manifest injury of the
6 people of the United States. Wherefore, President George
7 W. Bush, by such conduct, is guilty of an impeachable
8 offense warranting removal from office.

9 ARTICLE XXII—CREATING SECRET LAWS

10 In his conduct while President of the United States,
11 George W. Bush, in violation of his constitutional oath to
12 faithfully execute the office of President of the United
13 States and, to the best of his ability, preserve, protect,
14 and defend the Constitution of the United States, and in
15 violation of his constitutional duty under article II, section
16 3 of the Constitution “to take care that the laws be faith-
17 fully executed”, has both personally and acting through
18 his agents and subordinates, together with the Vice Presi-
19 dent, established a body of secret laws through the
20 issuance of legal opinions by the Department of Justice’s
21 Office of Legal Counsel (OLC).

22 The OLC’s March 14, 2003, interrogation memo-
23 randum (“Yoo Memorandum”) was declassified years
24 after it served as law for the executive branch. On April
25 29, 2008, House Judiciary Committee Chairman John

1 Conyers and Subcommittee on the Constitution, Civil
2 Rights and Civil Liberties Chairman Jerrold Nadler wrote
3 in a letter to Attorney General Michael Mukasey:

4 “It appears to us that there was never any legitimate
5 basis for the purely legal analysis contained in this docu-
6 ment to be classified in the first place. The Yoo Memo-
7 randum does not describe sources and methods of intel-
8 ligence gathering, or any specific facts regarding any in-
9 terrogation activities. Instead, it consists almost entirely
10 of the Department’s legal views, which are not properly
11 kept secret from Congress and the American people. J.
12 William Leonard, the Director of the National Archive’s
13 Office of Information Security Oversight Office, and a top
14 expert in this field concurs, commenting that ‘[t]he docu-
15 ment in question is purely a legal analysis’ that contains
16 ‘nothing which would justify classification’. In addition,
17 the Yoo Memorandum suggests an extraordinary breadth
18 and aggressiveness of OLC’s secret legal opinion-making.
19 Much attention has rightly been given to the statement
20 in footnote 10 in the March 14, 2003, memorandum that,
21 in an October 23, 2001, opinion, OLC concluded ‘that the
22 Fourth Amendment had no application to domestic mili-
23 tary operations’. As you know, we have requested a copy
24 of that memorandum on no less than four prior occasions

1 and we continue to demand access to this important docu-
2 ment.

3 “In addition to this opinion, however, the Yoo Memo-
4 randum references at least 10 other OLC opinions on
5 weighty matters of great interest to the American people
6 that also do not appear to have been released. These ap-
7 pear to cover matters such as the power of Congress to
8 regulate the conduct of military commissions, legal con-
9 straints on the ‘military detention of United States citi-
10 zens’, legal rules applicable to the boarding and searching
11 foreign ships, the President’s authority to render U.S. de-
12 tainees to the custody of foreign governments, and the
13 President’s authority to breach or suspend U.S. treaty ob-
14 ligations. Furthermore, it has been more than five years
15 since the Yoo Memorandum was authored, raising the
16 question how many other such memoranda and letters
17 have been secretly authored and utilized by the Adminis-
18 tration.

19 “Indeed, a recent court filing by the Department in
20 FOIA litigation involving the Central Intelligence Agency
21 identifies 8 additional secret OLC opinions, dating from
22 August 6, 2004, to February 18, 2007. Given that these
23 reflect only OLC memoranda identified in the files of the
24 CIA, and based on the sampling procedures under which
25 that listing was generated, it appears that these represent

1 only a small portion of the secret OLC memoranda gen-
2 erated during this time, with the true number almost cer-
3 tainly much higher.”.

4 Senator Russ Feingold, in a statement during an
5 April 30, 2008, Senate hearing stated:

6 “‘It is a basic tenet of democracy that the people have
7 a right to know the law. In keeping with this principle,
8 the laws passed by Congress and the case law of our courts
9 have historically been matters of public record. And when
10 it became apparent in the middle of the 20th century that
11 federal agencies were increasingly creating a body of non-
12 public administrative law, Congress passed several stat-
13 utes requiring this law to be made public, for the express
14 purpose of preventing a regime of ‘secret law’. That pur-
15 pose today is being thwarted. Congressional enactments
16 and agency regulations are for the most part still public.
17 But the law that applies in this country is determined not
18 only by statutes and regulations, but also by the control-
19 ling interpretations of courts and, in some cases, the exec-
20 utive branch. More and more, this body of executive and
21 judicial law is being kept secret from the public, and too
22 often from Congress as well. . . .

23 “A legal interpretation by the Justice Department’s
24 Office of Legal Counsel . . . binds the entire executive
25 branch, just like a regulation or the ruling of a court. In

1 the words of former OLC head Jack Goldsmith, ‘These
2 executive branch precedents are “law” for the executive
3 branch’. The Yoo memorandum was, for a nine-month pe-
4 riod in 2003 until it was withdrawn by Mr. Goldsmith,
5 the law that this Administration followed when it came
6 to matters of torture. And of course, that law was essen-
7 tially a declaration that few if any laws applied. . . .

8 “Another body of secret law is the controlling inter-
9 pretations of the Foreign Intelligence Surveillance Act
10 that are issued by the Foreign Intelligence Surveillance
11 Court. FISA, of course, is the law that governs the Gov-
12 ernment’s ability in intelligence investigations to conduct
13 wiretaps and search the homes of people in the United
14 States. Under that statute, the FISA Court is directed
15 to evaluate wiretap and search warrant applications and
16 decide whether the standard for issuing a warrant has
17 been met—a largely factual evaluation that is properly
18 done behind closed doors. But with the evolution of tech-
19 nology and with this Administration’s efforts to get the
20 Court’s blessing for its illegal wiretapping activities, we
21 now know that the Court’s role is broader, and that it
22 is very much engaged in substantive interpretations of the
23 governing statute. These interpretations are as much a
24 part of this country’s surveillance law as the statute itself.
25 Without access to them, it is impossible for Congress or

1 the public to have an informed debate on matters that
2 deeply affect the privacy and civil liberties of all
3 Americans . . .

4 “The Administration’s shroud of secrecy extends to
5 agency rules and executive pronouncements, such as Exec-
6 utive Orders, that carry the force of law. Through the dili-
7 gent efforts of my colleague Senator Whitehouse, we have
8 learned that OLC has taken the position that a President
9 can ‘waive’ or ‘modify’ a published Executive Order with-
10 out any notice to the public or Congress—simply by not
11 following it.”.

12 In all of these actions and decisions, President
13 George W. Bush has acted in a manner contrary to his
14 trust as President and Commander in Chief, and subver-
15 sive of constitutional government, to the prejudice of the
16 cause of law and justice and to the manifest injury of the
17 people of the United States. Wherefore, President George
18 W. Bush, by such conduct, is guilty of an impeachable
19 offense warranting removal from office.

20 In all of these actions and decisions, President
21 George W. Bush has acted in a manner contrary to his
22 trust as President, and subversive of constitutional gov-
23 ernment, to the prejudice of the cause of law and justice
24 and to the manifest injury of the people of the United
25 States. Wherefore, President George W. Bush, by such

1 conduct, is guilty of an impeachable offense warranting
2 removal from office.

3 ARTICLE XXIII—VIOLATION OF THE POSSE COMITATUS
4 ACT

5 In his conduct while President of the United States,
6 George W. Bush, in violation of his constitutional oath to
7 faithfully execute the office of President of the United
8 States and, to the best of his ability, preserve, protect,
9 and defend the Constitution of the United States, and in
10 violation of his constitutional duty under article II, section
11 3 of the Constitution “to take care that the laws be faith-
12 fully executed”, has both personally and acting through
13 his agents and subordinates, repeatedly and illegally estab-
14 lished programs to appropriate the power of the military
15 for use in law enforcement. Specifically, he has con-
16 travened U.S.C. title 18, section 1385, originally enacted
17 in 1878, subsequently amended as “Use of Army and Air
18 Force as Posse Comitatus” and commonly known as the
19 Posse Comitatus Act.

20 The Act states:

21 “Whoever, except in cases and under circumstances
22 expressly authorized by the Constitution or Act of Con-
23 gress, willfully uses any part of the Army or the Air Force
24 as a posse comitatus or otherwise to execute the laws shall

1 be fined under this title or imprisoned not more than two
2 years, or both.”.

3 The Posse Comitatus Act is designed to prevent the
4 military from becoming a national police force.

5 The Declaration of Independence states as a specific
6 grievance against the British that the King had “kept
7 among us, in times of peace, Standing Armies without the
8 consent of our legislatures,” had “affected to render the
9 Military independent of and superior to the civil power,”
10 and had “quarter[ed] large bodies of armed troops among
11 us . . . protecting them, by a mock trial, from punishment
12 for any murders which they should commit on the inhab-
13 itants of these States”.

14 Despite the Posse Comitatus Act’s intent, and in con-
15 travention of the law, President Bush—

16 (1) has used military forces for law enforcement
17 purposes on U.S. border patrol;

18 (2) has established a program to use military
19 personnel for surveillance and information on crimi-
20 nal activities;

21 (3) is using military espionage equipment to
22 collect intelligence information for law enforcement
23 use on civilians within the United States; and

1 (4) employs active duty military personnel in
2 surveillance agencies, including the Central Intel-
3 ligence Agency (CIA).

4 In June 2006, President Bush ordered National
5 Guard troops deployed to the border shared by Mexico
6 with Arizona, Texas, and California. This deployment,
7 which by 2007 reached a maximum of 6,000 troops, had
8 orders to “conduct surveillance and operate detection
9 equipment, work with border entry identification teams,
10 analyze information, assist with communications and give
11 administrative support to the Border Patrol” and con-
12 cerned “. . . providing intelligence . . . inspecting cargo,
13 and conducting surveillance”.

14 The Air Force’s “Eagle Eyes” program encourages
15 Air Force military staff to gather evidence on American
16 citizens. Eagle Eyes instructs Air Force personnel to en-
17 gage in surveillance and then advises them to “alert local
18 authorities”, asking military staff to surveil and gather
19 evidence on public citizens. This contravenes DoD Direc-
20 tive 5525.5 “SUBJECT: DoD Cooperation with Civilian
21 Law Enforcement” which limits such activities.

22 President Bush has implemented a program to use
23 imagery from military satellites for domestic law enforce-
24 ment through the National Applications Office.

1 President Bush has assigned numerous active duty
2 military personnel to civilian institutions such as the CIA
3 and the Department of Homeland Security, both of which
4 have responsibilities for law enforcement and intelligence.

5 In addition, on May 9, 2007, President Bush released
6 “National Security Presidential Directive/NSPD 51”,
7 which effectively gives the president unchecked power to
8 control the entire government and to define that govern-
9 ment in time of an emergency, as well as the power to
10 determine whether there is an emergency. The document
11 also contains “classified Continuity Annexes”. In July
12 2007, and again in August 2007, Rep. Peter DeFazio, a
13 senior member of the House Homeland Security Com-
14 mittee, sought access to the classified annexes. DeFazio
15 and other leaders of the Homeland Security Committee,
16 including Chairman Bennie Thompson, have been denied
17 a review of the Continuity of Government classified an-
18 nexes.

19 In all of these actions and decisions, President
20 George W. Bush has acted in a manner contrary to his
21 trust as President and Commander in Chief, and subver-
22 sive of constitutional government, to the prejudice of the
23 cause of law and justice and to the manifest injury of the
24 people of the United States. Wherefore, President George

1 W. Bush, by such conduct, is guilty of an impeachable
2 offense warranting removal from office.

3 ARTICLE XXIV—SPYING ON AMERICAN CITIZENS,
4 WITHOUT A COURT-ORDERED WARRANT, IN VIOLA-
5 TION OF THE LAW AND THE FOURTH AMENDMENT

6 In his conduct while President of the United States,
7 George W. Bush, in violation of his constitutional oath to
8 faithfully execute the office of President of the United
9 States and, to the best of his ability, preserve, protect,
10 and defend the Constitution of the United States, and in
11 violation of his constitutional duty under article II, section
12 3 of the Constitution “to take care that the laws be faith-
13 fully executed”, has both personally and acting through
14 his agents and subordinates, knowingly violated the
15 Fourth Amendment to the Constitution and the Foreign
16 Intelligence Service Act of 1978 (FISA) by authorizing
17 warrantless electronic surveillance of American citizens to
18 wit:

19 (1) The President was aware of the FISA Law
20 requiring a court order for any wiretap as evidenced
21 by the following:

22 (A) “Now, by the way, any time you hear
23 the United States Government talking about
24 wiretap, it requires—a wiretap requires a court
25 order. Nothing has changed, by the way. When

1 we're talking about chasing down terrorists,
2 we're talking about getting a court order before
3 we do so." White House Press conference on
4 April 20, 2004. [White House Transcript]

5 (B) "Law enforcement officers need a Fed-
6 eral judge's permission to wiretap a foreign ter-
7 rorist's phone, or to track his calls, or to search
8 his property. Officers must meet strict stand-
9 ards to use any of the tools we're talking
10 about." President Bush's speech in Baltimore,
11 Maryland, on July 20th, 2005. [White House
12 Transcript]

13 (2) The President repeatedly ordered the NSA
14 to place wiretaps on American citizens without re-
15 questing a warrant from FISA as evidenced by the
16 following:

17 (A) "Months after the Sept. 11 attacks,
18 President Bush secretly authorized the National
19 Security Agency to eavesdrop on Americans and
20 others inside the United States to search for
21 evidence of terrorist activity without the court-
22 approved warrants ordinarily required for do-
23 mestic spying, according to government offi-
24 cials." New York Times article by James Risen

1 and Eric Lichtblau on December 12, 2005.
2 [NYTimes]

3 (B) The President admits to authorizing
4 the program by stating “I have reauthorized
5 this program more than 30 times since the Sep-
6 tember the 11th attacks, and I intend to do so
7 for as long as our nation faces a continuing
8 threat from al Qaeda and related groups. The
9 NSA’s activities under this authorization are
10 thoroughly reviewed by the Justice Department
11 and NSA’s top legal officials, including NSA’s
12 general counsel and inspector general. Leaders
13 in Congress have been briefed more than a
14 dozen times on this authorization and the ac-
15 tivities conducted under it.” Radio Address
16 from the White House on December 17, 2005.
17 [White House Transcript]

18 (C) In a December 19th, 2005 press con-
19 ference the President publicly admitted to using
20 a combination of surveillance techniques includ-
21 ing some with permission from the FISA courts
22 and some without permission from FISA.

23 Reporter: It was, why did you skip the basic safe-
24 guards of asking courts for permission for the intercepts?

1 THE PRESIDENT: . . . We use FISA still—you're
2 referring to the FISA court in your question—of course,
3 we use FISAs. But FISA is for long-term monitoring.
4 What is needed in order to protect the American people
5 is the ability to move quickly to detect. Now, having sug-
6 gested this idea, I then, obviously, went to the question,
7 is it legal to do so? I am—I swore to uphold the laws.
8 Do I have the legal authority to do this? And the answer
9 is, absolutely. As I mentioned in my remarks, the legal
10 authority is derived from the Constitution, as well as the
11 authorization of force by the United States Congress.
12 [White House Transcript]

13 (D) Mike McConnell, the Director of Na-
14 tional Intelligence, in a letter to Senator Arlen
15 Specter, acknowledged that Bush's Executive
16 Order in 2001 authorized a series of secret sur-
17 veillance activities and included undisclosed ac-
18 tivities beyond the warrantless surveillance of e-
19 mails and phone calls that Bush confirmed in
20 December 2005. "NSA Spying Part of Broader
21 Effort" by Dan Eggen, Washington Post, 8/1/
22 07.

23 (3) The President ordered the surveillance to be
24 conducted in a way that would spy upon private
25 communications between American citizens located

1 within the United States borders as evidenced by the
2 following:

3 (A) Mark Klein, a retired AT&T commu-
4 nications technician, submitted an affidavit in
5 support of the Electronic Frontier Foundation's
6 FF's lawsuit against AT&T. He testified that
7 in 2003 he connected a "splitter" that sent a
8 copy of Internet traffic and phone calls to a se-
9 cure room that was operated by the NSA in the
10 San Francisco office of AT&T. He heard from
11 a co-worker that similar rooms were being con-
12 structed in other cities, including Seattle, San
13 Jose, Los Angeles, and San Diego. From
14 "Whistle-Blower Outs NSA Spy Room", Wired
15 News, 4/7/06. [Wired] [EFF Case]

16 (4) The President asserted an inherent author-
17 ity to conduct electronic surveillance based on the
18 Constitution and the "Authorization to use Military
19 Force in Iraq" (AUMF) that was not legally valid
20 as evidenced by the following:

21 (A) In a December 19th, 2005 Press
22 Briefing General Alberto Gonzales admitted
23 that the surveillance authorized by the Presi-
24 dent was not only done without FISA warrants,
25 but that the nature of the surveillance was so

1 far removed from what FISA can approve that
2 FISA could not even be amended to allow it.
3 Gonzales stated “We have had discussions with
4 Congress in the past—certain members of Con-
5 gress—as to whether or not FISA could be
6 amended to allow us to adequately deal with
7 this kind of threat, and we were advised that
8 that would be difficult, if not impossible.”.

9 (B) The fourth amendment to the United
10 States Constitution states “The right of the
11 people to be secure in their persons, houses, pa-
12 pers, and effects, against unreasonable searches
13 and seizures, shall not be violated, and no War-
14 rants shall issue, but upon probable cause, sup-
15 ported by Oath or affirmation, and particularly
16 describing the place to be searched, and the
17 persons or things to be seized.”.

18 (C) “The Foreign Intelligence Surveillance
19 Act of 1978 unambiguously limits warrantless
20 domestic electronic surveillance, even in a con-
21 gressionally declared war, to the first 15 days
22 of that war; criminalizes any such electronic
23 surveillance not authorized by statute; and ex-
24 pressly establishes FISA and two chapters of
25 the federal criminal code, governing wiretaps

1 for intelligence purposes and for criminal inves-
2 tigation, respectively, as the ‘exclusive means by
3 which electronic surveillance . . . and the inter-
4 ception of domestic wire, oral, and electronic
5 communications may be conducted.’ 50 U.S.C.
6 1811, 1809, 18 U.S.C. 2511(2)(f).” Letter
7 from Harvard Law Professor Lawrence Tribe
8 to John Conyers on 1/6/06.

9 (D) In a December 19th, 2005 Press
10 Briefing Attorney General Alberto Gonzales
11 stated “Our position is, is that the authoriza-
12 tion to use force, which was passed by the Con-
13 gress in the days following September 11th,
14 constitutes that other authorization, that other
15 statute by Congress, to engage in this kind of
16 signals intelligence.”.

17 (E) The “Authorization to use Military
18 Force in Iraq” does not give any explicit au-
19 thorization related to electronic surveillance.
20 [H.J. Res. 114]

21 (F) “From the foregoing analysis, it ap-
22 pears unlikely that a court would hold that
23 Congress has expressly or impliedly authorized
24 the NSA electronic surveillance operations here
25 under discussion, and it would likewise appear

1 that, to the extent that those surveillances fall
2 within the definition of ‘electronic surveillance’
3 within the meaning of FISA or any activity reg-
4 ulated under title III, Congress intended to
5 cover the entire field with these statutes.”.
6 From the “Presidential Authority to Conduct
7 Warrantless Electronic Surveillance to Gather
8 Foreign Intelligence Information” by the Con-
9 gressional Research Service on January 5,
10 2006.

11 (G) “The inescapable conclusion is that the
12 AUMF did not implicitly authorize what the
13 FISA expressly prohibited. It follows that the
14 presidential program of surveillance at issue
15 here is a violation of the separation of powers—
16 as grave an abuse of executive authority as I
17 can recall ever having studied.” Letter from
18 Harvard Law Professor Lawrence Tribe to
19 John Conyers on 1/6/06.

20 (H) On August 17, 2006, Judge Anna
21 Diggs Taylor of the United States District
22 Court in Detroit, in *ACLU v. NSA*, ruled that
23 the “NSA program to wiretap the international
24 communications of some Americans without a
25 court warrant violated the Constitution. . . .

1 Judge Taylor ruled that the program violated
2 both the Fourth Amendment and a 1978 law
3 that requires warrants from a secret court for
4 intelligence wiretaps involving people in the
5 United States. She rejected the administration's
6 repeated assertions that a 2001 Congressional
7 authorization and the president's constitutional
8 authority allowed the program." From a New
9 York Times article "Judge Finds Wiretap Ac-
10 tions Violate the Law" 8/18/06 and the Memo-
11 randum Opinion.

12 (I) In July 2007, the Sixth Circuit Court
13 of Appeals dismissed the case, ruling the plain-
14 tiffs had no standing to sue because, given the
15 secretive nature of the surveillance, they could
16 not state with certainty that they have been
17 wiretapped by the NSA. This ruling did not ad-
18 dress the legality of the surveillance so Judge
19 Taylor's decision is the only ruling on that
20 issue. [ACLU Legal Documents]

21 In all of these actions and decisions, President
22 George W. Bush has acted in a manner contrary to his
23 trust as President and Commander in Chief, and subver-
24 sive of constitutional government, to the prejudice of the
25 cause of law and justice and to the manifest injury of the

1 people of the United States. Wherefore, President George
2 W. Bush, by such conduct, is guilty of an impeachable
3 offense warranting removal from office.

4 ARTICLE XXV—DIRECTING TELECOMMUNICATIONS
5 COMPANIES TO CREATE AN ILLEGAL AND UNCON-
6 STITUTIONAL DATABASE OF THE PRIVATE TELE-
7 PHONE NUMBERS AND EMAILS OF AMERICAN CITI-
8 ZENS

9 In his conduct while President of the United States,
10 George W. Bush, in violation of his constitutional oath to
11 faithfully execute the office of President of the United
12 States and, to the best of his ability, preserve, protect,
13 and defend the Constitution of the United States, and in
14 violation of his constitutional duty under article II, section
15 3 of the Constitution “to take care that the laws be faith-
16 fully executed”, has both personally and acting through
17 his agents and subordinates, violated the Stored Commu-
18 nications Act of 1986 and the Telecommunications Act of
19 1996 by creating of a very large database containing infor-
20 mation related to the private telephone calls and emails
21 of American citizens, to wit:

22 The President requested that telecommunication
23 companies release customer phone records to the Govern-
24 ment illegally as evidenced by the following:

1 “The Stored Communications Act of 1986 (SCA)
2 prohibits the knowing disclosure of customer telephone
3 records to the government unless pursuant to subpoena,
4 warrant or a National Security Letter (or other Adminis-
5 trative subpoena); with the customers lawful consent; or
6 there is a business necessity; or an emergency involving
7 the danger of death or serious physical injury. None of
8 these exceptions apply to the circumstance described in the
9 USA Today story.” From page 169, “George W Bush
10 versus the U.S. Constitution.”. Compiled at the direction
11 of Representative John Conyers.

12 According to a May 11, 2006, article in USA Today
13 by Lesley Cauley, “The National Security Agency has
14 been secretly collecting the phone call records of tens of
15 millions of Americans, using data provided by AT&T,
16 Verizon, and BellSouth.” An unidentified source said
17 “The agency’s goal is to ‘create a database of every call
18 ever made’ within the nation’s borders.”.

19 In early 2001, Qwest CEO Joseph Nacchio rejected
20 a request from the NSA to turn over customers records
21 of phone calls, emails and other Internet activity. Nacchio
22 believed that complying with the request would violate the
23 Telecommunications Act of 1996. From National Journal,
24 November 2, 2007.

1 In all of these actions and decisions, President
2 George W. Bush has acted in a manner contrary to his
3 trust as President and Commander in Chief, and subver-
4 sive of constitutional government, to the prejudice of the
5 cause of law and justice and to the manifest injury of the
6 people of the United States. Wherefore, President George
7 W. Bush, by such conduct, is guilty of an impeachable
8 offense warranting removal from office.

9 ARTICLE XXVI—ANNOUNCING THE INTENT TO VIO-
10 LATE LAWS WITH SIGNING STATEMENTS, AND VIO-
11 LATING THOSE LAWS

12 In his conduct while President of the United States,
13 George W. Bush, in violation of his constitutional oath to
14 faithfully execute the office of President of the United
15 States and, to the best of his ability, preserve, protect,
16 and defend the Constitution of the United States, and in
17 violation of his constitutional duty under article II, section
18 3 of the Constitution “to take care that the laws be faith-
19 fully executed”, has used signing statements to claim the
20 right to violate acts of Congress even as he signs them
21 into law.

22 In June 2007, the Government Accountability Office
23 reported that in a sample of Bush signing statements the
24 office had studied, for 30 percent of them the Bush ad-

1 ministration had already proceeded to violate the laws the
2 statements claimed the right to violate.

3 In all of these actions and decisions, President
4 George W. Bush has acted in a manner contrary to his
5 trust as President and Commander in Chief, and subver-
6 sive of constitutional government, to the prejudice of the
7 cause of law and justice and to the manifest injury of the
8 people of the United States. Wherefore, President George
9 W. Bush, by such conduct, is guilty of an impeachable
10 offense warranting removal from office.

11 ARTICLE XXVII—FAILING TO COMPLY WITH CONGRES-
12 SIONAL SUBPOENAS AND INSTRUCTING FORMER
13 EMPLOYEES NOT TO COMPLY

14 In his conduct while President of the United States,
15 George W. Bush, in violation of his constitutional oath to
16 faithfully execute the office of President of the United
17 States and, to the best of his ability, preserve, protect,
18 and defend the Constitution of the United States, and in
19 violation of his constitutional duty under article II, section
20 3 of the Constitution “to take care that the laws be faith-
21 fully executed”, has both personally and acting through
22 his agents and subordinates, refused to comply with Con-
23 gressional subpoenas, and instructed former employees not
24 to comply with subpoenas.

25 Subpoenas not complied with include:

1 A House Judiciary Committee subpoena for
2 Justice Department papers and Emails, issued April
3 10, 2007;

4 A House Oversight and Government Reform
5 Committee subpoena for the testimony of the Sec-
6 retary of State, issued April 25, 2007;

7 A House Judiciary Committee subpoena for the
8 testimony of former White House Counsel Harriet
9 Miers and documents, issued June 13, 2007;

10 A Senate Judiciary Committee subpoena for
11 documents and testimony of White House Chief of
12 Staff Joshua Bolten, issued June 13, 2007;

13 A Senate Judiciary Committee subpoena for
14 documents and testimony of White House Political
15 Director Sara Taylor, issued June 13, 2007 (Taylor
16 appeared but refused to answer questions);

17 A Senate Judiciary Committee subpoena for
18 documents and testimony of White House Deputy
19 Chief of Staff Karl Rove, issued June 26, 2007;

20 A Senate Judiciary Committee subpoena for
21 documents and testimony of White House Deputy
22 Political Director J. Scott Jennings, issued June 26,
23 2007 (Jennings appeared but refused to answer
24 questions);

1 A Senate Judiciary Committee subpoena for
2 legal analysis and other documents concerning the
3 NSA warrantless wiretapping program from the
4 White House, Vice President Richard Cheney, The
5 Department of Justice, and the National Security
6 Council. If the documents are not produced, the sub-
7 poena requires the testimony of White House chief
8 of staff Josh Bolten, Attorney General Alberto
9 Gonzales, Cheney chief of staff David Addington,
10 National Security Council executive director V. Phil-
11 ip Lago, issued June 27, 2007; and

12 A House Oversight and Government Reform
13 Committee subpoena for Lt. General Kensinger.

14 In all of these actions and decisions, President
15 George W. Bush has acted in a manner contrary to his
16 trust as President and Commander in Chief, and subver-
17 sive of constitutional government, to the prejudice of the
18 cause of law and justice and to the manifest injury of the
19 people of the United States. Wherefore, President George
20 W. Bush, by such conduct, is guilty of an impeachable
21 offense warranting removal from office.

1 ARTICLE XXVIII—TAMPERING WITH FREE AND FAIR
2 ELECTIONS, CORRUPTION OF THE ADMINISTRATION
3 OF JUSTICE

4 In his conduct while President of the United States,
5 George W. Bush, in violation of his constitutional oath to
6 faithfully execute the office of President of the United
7 States and, to the best of his ability, preserve, protect,
8 and defend the Constitution of the United States, and in
9 violation of his constitutional duty under article II, section
10 3 of the Constitution “to take care that the laws be faith-
11 fully executed”, has both personally and acting through
12 his agents and subordinates, conspired to undermine and
13 tamper with the conduct of free and fair elections, and
14 to corrupt the administration of justice by United States
15 Attorneys and other employees of the Department of Jus-
16 tice, through abuse of the appointment power.

17 Toward this end, the President and Vice President,
18 both personally and through their agents, did:

19 Engage in a program of manufacturing false al-
20 legations of voting fraud in targeted jurisdictions
21 where the Democratic Party enjoyed an advantage
22 in electoral performance or otherwise was problem-
23 atic for the President’s Republican Party, in order
24 that public confidence in election results favorable to
25 the Democratic Party be undermined;

1 Direct United States Attorneys to launch and
2 announce investigations of certain leaders, can-
3 didates and elected officials affiliated with the
4 Democratic Party at times calculated to cause the
5 most political damage and confusion, most often in
6 the weeks immediately preceding an election, in
7 order that public confidence in the suitability for of-
8 fice of Democratic Party leaders, candidates and
9 elected officials be undermined;

10 Direct United States Attorneys to terminate or
11 scale back existing investigations of certain Repub-
12 lican Party leaders, candidates and elected officials
13 allied with the George W. Bush administration, and
14 to refuse to pursue new or proposed investigations of
15 certain Republican Party leaders, candidates and
16 elected officials allied with the George W. Bush ad-
17 ministration, in order that public confidence in the
18 suitability of such Republican Party leaders, can-
19 didates and elected officials be bolstered or restored;
20 and

21 Threaten to terminate the employment of the
22 following United States Attorneys who refused to
23 comply with such directives and purposes;

24 David C. Iglesias as U.S. Attorney for the
25 District of New Mexico;

1 Kevin V. Ryan as U.S. Attorney for the
2 Northern District of California;

3 John L. McKay as U.S. Attorney for the
4 Western District of Washington;

5 Paul K. Charlton as U.S. Attorney for the
6 District of Arizona;

7 Carol C. Lam as U.S. Attorney for the
8 Southern District of California;

9 Daniel G. Bogden as U.S. Attorney for the
10 District of Nevada;

11 Margaret M. Chiara as U.S. Attorney for
12 the Western District of Michigan;

13 Todd Graves as U.S. Attorney for the
14 Western District of Missouri;

15 Harry E. "Bud" Cummins, III as U.S. At-
16 torney for the Eastern District of Arkansas;

17 Thomas M. DiBiagio as U.S. Attorney for
18 the District of Maryland; and

19 Kasey Warner as U.S. Attorney for the
20 Southern District of West Virginia.

21 Further, George W. Bush has both personally and
22 acting through his agents and subordinates, together with
23 the Vice President conspired to obstruct the lawful Con-
24 gressional investigation of these dismissals of United
25 States Attorneys and the related scheme to undermine and

1 tamper with the conduct of free and fair elections, and
2 to corrupt the administration of justice.

3 Contrary to his oath faithfully to execute the office
4 of President of the United States and, to the best of his
5 ability, preserve, protect, and defend the Constitution of
6 the United States, and in violation of his constitutional
7 duty to take care that the laws be faithfully executed,
8 George W. Bush has without lawful cause or excuse di-
9 rected not to appear before the Committee on the Judici-
10 ary of the House of Representatives certain witnesses
11 summoned by duly authorized subpoenas issued by that
12 Committee on June 13, 2007.

13 In refusing to permit the testimony of these witnesses
14 George W. Bush, substituting his judgment as to what tes-
15 timony was necessary for the inquiry, interposed the pow-
16 ers of the Presidency against the lawful subpoenas of the
17 House of Representatives, thereby assuming to himself
18 functions and judgments necessary to the exercise of the
19 checking and balancing power of oversight vested in the
20 House of Representatives.

21 Further, the President has both personally and acting
22 through his agents and subordinates, together with the
23 Vice President directed the United States Attorney for the
24 District of Columbia to decline to prosecute for contempt
25 of Congress the aforementioned witnesses, Joshua B.

1 Bolten and Harriet E. Miers, despite the obligation to do
2 so as established by statute (2 U.S.C. 194) and pursuant
3 to the direction of the United States House of Representa-
4 tives as embodied in its resolution (H. Res. 982) of Feb-
5 ruary 14, 2008.

6 In all of these actions and decisions, President
7 George W. Bush has acted in a manner contrary to his
8 trust as President and Commander in Chief, and subver-
9 sive of constitutional government, to the prejudice of the
10 cause of law and justice and to the manifest injury of the
11 people of the United States. Wherefore, President George
12 W. Bush, by such conduct, is guilty of an impeachable
13 offense warranting removal from office.

14 ARTICLE XXIX—CONSPIRACY TO VIOLATE THE VOTING
15 RIGHTS ACT OF 1965

16 In his conduct while President of the United States,
17 George W. Bush, in violation of his constitutional oath to
18 faithfully execute the office of President of the United
19 States and, to the best of his ability, preserve, protect,
20 and defend the Constitution of the United States, and in
21 violation of his constitutional duty under article II, section
22 3 of the Constitution “to take care that the laws be faith-
23 fully executed”, has both personally and acting through
24 his agents and subordinates, has willfully corrupted and
25 manipulated the electoral process of the United States for

1 his personal gain and the personal gain of his co-conspira-
2 tors and allies; has violated the United States Constitution
3 and law by failing to protect the civil rights of African-
4 American voters and others in the 2004 Election, and has
5 impeded the right of the people to vote and have their vote
6 properly and accurately counted, in that—

7 (1) on November 5, 2002, and prior thereto,
8 James Tobin, while serving as the regional director
9 of the National Republican Senatorial Campaign
10 Committee and as the New England Chairman of
11 Bush-Cheney '04 Inc., did, at the direction of the
12 White House under the administration of George W.
13 Bush, along with other agents both known and un-
14 known, commit unlawful acts by aiding and abetting
15 a scheme to use computerized hang-up calls to jam
16 phone lines set up by the New Hampshire Demo-
17 cratic Party and the Manchester firefighters' union
18 on Election Day;

19 (2) an investigation by the Democratic staff of
20 the House Judiciary Committee into the voting pro-
21 cedures in Ohio during the 2004 election found
22 “widespread instances of intimidation and misin-
23 formation in violation of the Voting Rights Act, the
24 Civil Rights Act of 1968, Equal Protection, Due
25 Process and the Ohio right to vote”;

1 (3) the 14th Amendment Equal Protection
2 Clause guarantees that no minority group will suffer
3 disparate treatment in a Federal, State, or local
4 election in stating that: “No State shall make or en-
5 force any law which shall abridge the privileges or
6 immunities of citizens of the United States; nor shall
7 any State deprive any person of life, liberty, or prop-
8 erty, without due process of law; nor deny to any
9 person within its jurisdiction the equal protection of
10 the laws.”. However, during and at various times of
11 the year 2004, John Kenneth Blackwell, then serv-
12 ing as the Secretary of State for the State of Ohio
13 and also serving simultaneously as Co-Chairman of
14 the Committee to Re-Elect George W. Bush in the
15 State of Ohio, did, at the direction of the White
16 House under the administration of George W. Bush,
17 along with other agents both known and unknown,
18 commit unlawful acts in violation of the Equal Pro-
19 tection Clause of the 14th Amendment to the United
20 States Constitution by failing to protect the voting
21 rights of African-American citizens in Ohio and fur-
22 ther, John Kenneth Blackwell did disenfranchise Af-
23 rican-American voters under color of law, by—

24 (A) willfully denying certain neighborhoods
25 in the cities of Cleveland, Ohio, and Columbus,

1 Ohio, along with other urban areas in the State
2 of Ohio, an adequate number of electronic vot-
3 ing machines and provisional paper ballots,
4 thereby unlawfully impeding duly registered vot-
5 ers from the act of voting and thus violating
6 the civil rights of an unknown number of
7 United States citizens;

8 (i) in Franklin County, George W.
9 Bush and his agent, Ohio Secretary of
10 State John Kenneth Blackwell, Co-Chair of
11 the Bush-Cheney Re-election Campaign,
12 failed to protect the rights of African-
13 American voters by not properly inves-
14 tigating the withholding of 125 electronic
15 voting machines assigned to the city of Co-
16 lumbus;

17 (ii) forty-two African-American pre-
18 cincts in Columbus were each missing one
19 voting machine that had been present in
20 the 2004 primary; and

21 (iii) African-American voters in the
22 city of Columbus were forced to wait three
23 to seven hours to vote in the 2004 presi-
24 dential election;

1 (B) willfully issuing unclear and conflicting
2 rules regarding the methods and manner of be-
3 coming a legally registered voter in the State of
4 Ohio, and willfully issuing unclear and unneces-
5 sary edicts regarding the weight of paper reg-
6 istration forms legally acceptable to the State of
7 Ohio, thereby creating confusion for both voters
8 and voting officials and thus impeding the right
9 of an unknown number of United States citi-
10 zens to register and vote;

11 (i) Ohio Secretary of State John Ken-
12 neth Blackwell directed through Advisory
13 2004–31 that voter registration forms,
14 which were greatest in urban minority
15 areas, should not be accepted and should
16 be returned unless submitted on 80 bond
17 paper weight. Blackwell’s own office was
18 found to be using 60 bond paper weight;

19 (C) willfully permitted and encouraged
20 election officials in Cleveland, Cincinnati, and
21 Toledo to conduct a massive partisan purge of
22 registered voter rolls, eventually expunging
23 more than 300,000 voters, many of whom were
24 duly registered voters, and who were thus de-
25 prived of their constitutional right to vote;

1 (i) between the 2000 and 2004 Ohio
2 presidential elections, 24.93 percent of the
3 voters in the city of Cleveland, a city with
4 a majority of African-American citizens,
5 were purged from the voting rolls;

6 (ii) in that same period, the Ohio
7 county of Miami, with census data indi-
8 cating a 98 percent Caucasian population,
9 refused to purge any voters from its rolls.
10 Miami County “merged” voters from other
11 surrounding counties into its voting rolls
12 and even allowed voters from other states
13 to vote; and

14 (iii) in Toledo, Ohio, an urban city
15 with a high African-American concentra-
16 tion, 28,000 voters were purged from the
17 voting rolls in August of 2004, just prior
18 to the presidential election. This purge was
19 conducted under the control and direction
20 of George W. Bush’s agent, Ohio Secretary
21 of State John Kenneth Blackwell outside
22 of the regularly established cycle of purg-
23 ing voters in odd-numbered years;

24 (D) willfully allowing Ohio Secretary of
25 State John Kenneth Blackwell, acting under

1 color of law and as an agent of George W.
2 Bush, to issue a directive that no votes would
3 be counted unless cast in the right precinct, re-
4 versing Ohio's long-standing practice of count-
5 ing votes for president if cast in the right coun-
6 ty;

7 (E) willfully allowing his agent, Ohio Sec-
8 retary of State John Kenneth Blackwell, the
9 Co-Chair of the Bush-Cheney Re-election Cam-
10 paign, to do nothing to assure the voting rights
11 of 10,000 people in the city of Cleveland when
12 a computer error by the private vendor Diebold
13 Election Systems, Inc. incorrectly disenfran-
14 chised 10,000 voters;

15 (F) willfully allowing his agent, Ohio Sec-
16 retary of State John Kenneth Blackwell, the
17 Co-Chair of the Bush-Cheney Re-election Cam-
18 paign, to ensure that uncounted and provisional
19 ballots in Ohio's 2004 presidential election
20 would be disproportionately concentrated in
21 urban African-American districts;

22 (i) in Ohio's Lucas County, which in-
23 cludes Toledo, 3,122 or 41.13 percent of
24 the provisional ballots went uncounted
25 under the direction of George W. Bush's

1 agent, the Secretary of State of Ohio, John
2 Kenneth Blackwell, Co-Chair of the Com-
3 mittee to Re-Elect Bush/Cheney in Ohio;

4 (ii) in Ohio's Cuyahoga County, which
5 includes Cleveland, 8,559 or 32.82 percent
6 of the provisional ballots went uncounted;

7 (iii) in Ohio's Hamilton County, which
8 includes Cincinnati, 3,529 or 24.23 percent
9 of the provisional ballots went uncounted;

10 and

11 (iv) Statewide, the provisional ballot
12 rejection rate was 9 percent as compared
13 to the greater figures in the urban areas;

14 (4) the Department of Justice, charged with en-
15 forcing the Voting Rights Act of 1965, the 14th
16 Amendment's Equal Protection Clause, and other
17 voting rights laws in the United States of America,
18 under the direction and Administration of George
19 W. Bush did willfully and purposely obstruct and
20 stonewall legitimate criminal investigations into myr-
21 iad cases of reported electoral fraud and suppression
22 in the State of Ohio. Such activities, carried out by
23 the department on behalf of George W. Bush in
24 counties such as Franklin and Knox by persons such
25 as John K. Tanner and others, were meant to con-

1 found and whitewash legitimate legal criminal inves-
2 tigation into the suppression of massive numbers of
3 legally registered voters and the removal of their
4 right to cast a ballot fairly and freely in the State
5 of Ohio, which was crucial to the certified electoral
6 victory of George W. Bush in 2004;

7 (5) on or about November 1, 2006, members of
8 the United States Department of Justice, under the
9 control and direction of the Administration of
10 George W. Bush, brought indictments for voter reg-
11 istration fraud within days of an election, in order
12 to directly effect the outcome of that election for
13 partisan purposes, and in doing so, thereby violated
14 the Justice Department's own rules against filing
15 election-related indictments close to an election;

16 (6) emails have been obtained showing that the
17 Republican National Committee and members of
18 Bush-Cheney '04 Inc., did, at the direction of the
19 White House under the Administration of George W.
20 Bush, engage in voter suppression in five states by
21 a method know as "vote caging", an illegal voter
22 suppression technique;

23 (7) agents of George W. Bush, including Mark
24 F. "Thor" Hearne, the national general counsel of
25 Bush/Cheney '04, Inc., did, at the behest of George

1 W. Bush, as members of a criminal front group, dis-
2 tribute known false information and propaganda in
3 the hopes of forwarding legislation and other actions
4 that would result in the disenfranchisement of
5 Democratic voters for partisan purposes. The
6 scheme, run under the auspices of an organization
7 known as “The American Center for Voting Rights”
8 (ACVR), was funded by agents of George W. Bush
9 in violation of laws governing tax exempt 501(c)3 or-
10 ganizations and in violation of federal laws forbid-
11 ding the distribution of such propaganda by the
12 Federal Government and agents working on its be-
13 half;

14 (8) members of the United States Department
15 of Justice, under the control and direction of the
16 Administration of George W. Bush, did, for partisan
17 reasons, illegally and with malice aforethought block
18 career attorneys and other officials in the Depart-
19 ment of Justice from filing three lawsuits charging
20 local and county governments with violating the vot-
21 ing rights of African-Americans and other minori-
22 ties, according to seven former senior United States
23 Justice Department employees;

24 (9) members of the United States Department
25 of Justice, under the control and direction of the

1 Administration of George W. Bush, did illegally and
2 with malice aforethought derail at least two inves-
3 tigations into possible voter discrimination, accord-
4 ing to a letter sent to the Senate Rules and Admin-
5 istration Committee and written by former employ-
6 ees of the United States Department of Justice, Vot-
7 ing Rights Section; and

8 (10) members of the United States Election As-
9 sistance Commission (EAC), under the control and
10 direction of the Administration of George W. Bush,
11 have purposefully and willfully misled the public, in
12 violation of several laws, by;

13 (A) withholding from the public and then
14 altering a legally mandated report on the true
15 measure and threat of Voter Fraud, as commis-
16 sioned by the EAC and completed in June
17 2006, prior to the 2006 mid-term election, but
18 withheld from release prior to that election
19 when its information would have been useful in
20 the administration of elections across the coun-
21 try, because the results of the statutorily re-
22 quired and tax-payer funded report did not con-
23 form with the illegal, partisan propaganda ef-
24 forts and politicized agenda of the Bush Admin-
25 istration;

1 (B) withholding from the public a legally
2 mandated report on the disenfranchising effect
3 of Photo Identification laws at the polling place,
4 shown to disproportionately disenfranchise vot-
5 ers not of George W. Bush's political party.
6 The report was commissioned by the EAC and
7 completed in June 2006, prior to the 2006 mid-
8 term election, but withheld from release prior to
9 that election when its information would have
10 been useful in the administration of elections
11 across the country; and

12 (C) withholding from the public a legally
13 mandated report on the effectiveness of Provi-
14 sional Voting as commissioned by the EAC and
15 completed in June 2006, prior to the 2006 mid-
16 term election, but withheld from release prior to
17 that election when its information would have
18 been useful in the administration of elections
19 across the country, and keeping that report
20 unreleased for more than a year until it was re-
21 vealed by independent media outlets.

22 For directly harming the rights and manner of suf-
23 frage, for suffering to make them secret and unknowable,
24 for overseeing and participating in the disenfranchisement
25 of legal voters, for instituting debates and doubts about

1 the true nature of elections, all against the will and con-
2 sent of local voters affected, and forced through threats
3 of litigation by agents and agencies overseen by George
4 W. Bush, the actions of Mr. Bush to do the opposite of
5 securing and guaranteeing the right of the people to alter
6 or abolish their government via the electoral process, being
7 a violation of an inalienable right, and an immediate
8 threat to Liberty.

9 In all of these actions and decisions, President
10 George W. Bush has acted in a manner contrary to his
11 trust as President and Commander in Chief, and subver-
12 sive of constitutional government, to the prejudice of the
13 cause of law and justice and to the manifest injury of the
14 people of the United States. Wherefore, President George
15 W. Bush, by such conduct, is guilty of an impeachable
16 offense warranting removal from office.

17 ARTICLE XXX—MISLEADING CONGRESS AND THE
18 AMERICAN PEOPLE IN AN ATTEMPT TO DESTROY
19 MEDICARE

20 In his conduct while President of the United States,
21 George W. Bush, in violation of his constitutional oath to
22 faithfully execute the office of President of the United
23 States and, to the best of his ability, preserve, protect,
24 and defend the Constitution of the United States, and in
25 violation of his constitutional duty under article II, section

1 3 of the Constitution “to take care that the laws be faith-
2 fully executed”, has both personally and acting through
3 his agents and subordinates, together with the Vice Presi-
4 dent, pursued policies which deliberately drained the fiscal
5 resources of Medicare by forcing it to compete with sub-
6 sidized private insurance plans which are allowed to arbi-
7 trarily select or not select those they will cover; failing to
8 provide reasonable levels of reimbursements to Medicare
9 providers, thereby discouraging providers from partici-
10 pating in the program, and designing a Medicare Part D
11 benefit without cost controls which allowed pharmaceutical
12 companies to gouge the American taxpayers for the price
13 of prescription drugs.

14 The President created, manipulated, and dissemi-
15 nated information given to the citizens and Congress of
16 the United States in support of his prescription drug plan
17 for Medicare that enriched drug companies while failing
18 to save beneficiaries sufficient money on their prescription
19 drugs. He misled Congress and the American people into
20 thinking the cost of the benefit was \$400 billion. It was
21 widely understood that if the cost exceeded that amount,
22 the bill would not pass due to concerns about fiscal irre-
23 sponsibility.

24 A Medicare Actuary who possessed information re-
25 garding the true cost of the plan, \$539 billion, was in-

1 structured by the Medicare Administrator to deny Congress-
2 sional requests for it. The Actuary was threatened with
3 sanctions if the information was disclosed to Congress,
4 which, unaware of the information, approved the bill. De-
5 spite the fact that official cost estimates far exceeded \$400
6 billion, President Bush offered assurances to Congress
7 that the cost was \$400 billion, when his office had infor-
8 mation to the contrary. In the House of Representatives,
9 the bill passed by a single vote and the Conference Report
10 passed by only 5 votes. The White House knew the actual
11 cost of the drug benefit was high enough to prevent its
12 passage. Yet the White House concealed the truth and im-
13 peded an investigation into its culpability.

14 In all of these actions and decisions, President
15 George W. Bush has acted in a manner contrary to his
16 trust as President and Commander in Chief, and subver-
17 sive of constitutional government, to the prejudice of the
18 cause of law and justice and to the manifest injury of the
19 people of the United States. Wherefore, President George
20 W. Bush, by such conduct, is guilty of an impeachable
21 offense warranting removal from office.

1 ARTICLE XXXI—KATRINA: FAILURE TO PLAN FOR THE
2 PREDICTED DISASTER OF HURRICANE KATRINA,
3 FAILURE TO RESPOND TO A CIVIL EMERGENCY

4 In his conduct while President of the United States,
5 George W. Bush, in violation of his constitutional oath to
6 faithfully execute the office of President of the United
7 States and, to the best of his ability, preserve, protect,
8 and defend the Constitution of the United States, and in
9 violation of his constitutional duty under article II, section
10 3 of the Constitution “to take care that the laws be faith-
11 fully executed”, has both personally and acting through
12 his agents and subordinates, failed to take sufficient ac-
13 tion to protect life and property prior to and in the face
14 of Hurricane Katrina in 2005, given decades of foreknowl-
15 edge of the dangers of storms to New Orleans and specific
16 forewarning in the days prior to the storm. The President
17 failed to prepare for predictable and predicted disasters,
18 failed to respond to an immediate need of which he was
19 informed, and has subsequently failed to rebuild the sec-
20 tion of our nation that was destroyed.

21 Hurricane Katrina killed at least 1,282 people, with
22 2 million more displaced. 302,000 housing units were de-
23 stroyed or damaged by the hurricane, 71 percent of these
24 were low-income units. More than 500 sewage plants were
25 destroyed, more than 170 point-source leakages of gaso-

1 line, oil, or natural gas, more than 2,000 gas stations sub-
2 merged, several chemical plants, 8 oil refineries, and a
3 superfund site was submerged. 8 million gallons of oil were
4 spilled. Toxic materials seeped into floodwaters and spread
5 through much of the city and surrounding areas.

6 The predictable increased strength of hurricanes such
7 as Katrina has been identified by scientists for years, and
8 yet the Bush Administration has denied this science and
9 restricted such information from official reports, publica-
10 tions, and the National Oceanic and Atmospheric Agency's
11 website. Donald Kennedy, editor-in-chief of *Science*, wrote
12 in 2006 that "hurricane intensity has increased with oce-
13 anic surface temperatures over the past 30 years. The
14 physics of hurricane intensity growth . . . has clarified
15 and explained the thermodynamic basis for these observa-
16 tions. [Kerry] Emanuel has tested this relationship and
17 presented convincing evidence."

18 FEMA's 2001 list of the top three most likely and
19 most devastating disasters were a San Francisco earth-
20 quake, a terrorist attack on New York, and a Category
21 4 hurricane hitting New Orleans, with New Orleans being
22 the number one item on that list. FEMA conducted a five-
23 day hurricane simulation exercise in 2004, "Hurricane
24 Pam", mimicking a Katrina-like event. This exercise com-
25 bined the National Weather Service, the U.S. Army Corps

1 of Engineers, the LSU Hurricane Center and other state
2 and federal agencies, resulting in the development of emer-
3 gency response plans. The exercise demonstrated, among
4 other things, that thousands of mainly indigent New Orle-
5 ans residents would be unable to evacuate on their own.
6 They would need substantial government assistance.
7 These plans, however, were not implemented in part due
8 to the President's slashing of funds for protection. In the
9 year before Hurricane Katrina hit, the President contin-
10 ued to cut budgets and deny grants to the Gulf Coast.
11 In June of 2004, the Army Corps of Engineers levee budg-
12 et for New Orleans was cut, and it was cut again in June
13 of 2005, this time by \$71.2 million or a whopping 44 per-
14 cent of the budget. As a result, ACE was forced to sus-
15 pend any repair work on the levees. In 2004 FEMA denied
16 a Louisiana disaster mitigation grant request.

17 The President was given multiple warnings that Hur-
18 ricane Katrina had a high likelihood of causing serious
19 damage to New Orleans and the Gulf Coast. At 10 a.m.
20 on Sunday, August 28, 2005, the day before the storm
21 hit, the National Weather Service published an alert titled
22 "DEVASTATING DAMAGE EXPECTED". Printed in
23 all capital letters, the alert stated that "MOST OF THE
24 AREA WILL BE UNINHABITABLE FOR WEEKS
25 . . . PERHAPS LONGER. AT LEAST ONE HALF OF

1 WELL CONSTRUCTED HOMES WILL HAVE ROOF
2 AND WALL FAILURE. . . . POWER OUTAGES
3 WILL LAST FOR WEEKS. . . . WATER SHORT-
4 AGES WILL MAKE HUMAN SUFFERING INCRED-
5 IBLE BY MODERN STANDARDS.”.

6 The Homeland Security Department also briefed the
7 President on the scenario, warning of levee breaches and
8 severe flooding. According to the New York Times, “a
9 Homeland Security Department report submitted to the
10 White House at 1:47 a.m. on August 29, hours before the
11 storm hit, said, ‘Any storm rated Category 4 or greater
12 will likely lead to severe flooding and/or levee breaching.’”
13 These warnings clearly contradict the statements made by
14 President Bush immediately after the storm that such
15 devastation could not have been predicted. On September
16 1, 2005, the President said, “I don’t think anyone antici-
17 pated the breach of the levees.”.

18 The President’s response to Katrina via FEMA and
19 DHS was criminally delayed, indifferent, and inept. The
20 only FEMA employee posted in New Orleans in the imme-
21 diate aftermath of Hurricane Katrina, Marty Bahamonde,
22 emailed head of FEMA Michael Brown from his Black-
23 berry device on August 31, 2005, regarding the conditions.
24 The email was urgent and detailed and indicated that
25 “The situation is past critical. . . . Estimates are many

1 will die within hours.”. Brown’s reply was emblematic of
2 the administration’s entire response to the catastrophe:
3 “Thanks for the update. Anything specific I need to do
4 or tweak?”. The Secretary of Homeland Security, Michael
5 Chertoff, did not declare an emergency, did not mobilize
6 the Federal resources, and seemed to not even know what
7 was happening on the ground until reporters told him.

8 On Friday, August 26, 2005, Governor Kathleen
9 Blanco declared a State of Emergency in Louisiana and
10 Governor Haley Barbour of Mississippi followed suit the
11 next day. Also on that Saturday, Governor Blanco asked
12 the President to declare a Federal State of Emergency,
13 and on August 28, 2005, the Sunday before the storm
14 hit, Mayor Nagin declared a State of Emergency in New
15 Orleans. This shows that the local authorities, responding
16 to federal warnings, knew how bad the destruction was
17 going to be and anticipated being overwhelmed. Failure
18 to act under these circumstances demonstrates gross neg-
19 ligence.

20 In all of these actions and decisions, President
21 George W. Bush has acted in a manner contrary to his
22 trust as President and Commander in Chief, and subver-
23 sive of constitutional government, to the prejudice of the
24 cause of law and justice and to the manifest injury of the
25 people of the United States. Wherefore, President George

1 W. Bush, by such conduct, is guilty of an impeachable
2 offense warranting removal from office.

3 ARTICLE XXXII—MISLEADING CONGRESS AND THE
4 AMERICAN PEOPLE, SYSTEMATICALLY UNDER-
5 MINING EFFORTS TO ADDRESS GLOBAL CLIMATE
6 CHANGE

7 In his conduct while President of the United States,
8 George W. Bush, in violation of his constitutional oath to
9 faithfully execute the office of President of the United
10 States and, to the best of his ability, preserve, protect,
11 and defend the Constitution of the United States, and in
12 violation of his constitutional duty under article II, section
13 3 of the Constitution “to take care that the laws be faith-
14 fully executed”, has both personally and acting through
15 his agents and subordinates, together with the Vice Presi-
16 dent, ignored the peril to life and property posed by global
17 climate change, manipulated scientific information and
18 mishandled protective policy, constituting nonfeasance and
19 malfeasance in office, abuse of power, dereliction of duty,
20 and deception of Congress and the American people.

21 President Bush knew the expected effects of climate
22 change and the role of human activities in driving climate
23 change. This knowledge preceded his first Presidential
24 term.

1 (1) During his 2000 Presidential campaign, he
2 promised to regulate carbon dioxide emissions.

3 (2) In 2001, the Intergovernmental Panel on
4 Climate Change, a global body of hundreds of the
5 world's foremost experts on climate change, con-
6 cluded that "most of observed warming over last 50
7 years (is) likely due to increases in greenhouse gas
8 concentrations due to human activities." The Third
9 Assessment Report projected several effects of cli-
10 mate change such as continued "widespread retreat"
11 of glaciers, an "increase threats to human health,
12 particularly in lower income populations, predomi-
13 nantly within tropical/subtropical countries", and
14 "water shortages".

15 (3) The grave danger to national security posed
16 by global climate change was recognized by the Pen-
17 tagon's Defense Advanced Planning Research
18 Projects Agency in October of 2003. An agency-com-
19 missioned report "explores how such an abrupt cli-
20 mate change scenario could potentially de-stabilize
21 the geo-political environment, leading to skirmishes,
22 battles, and even war due to resource constraints
23 such as: 1) Food shortages due to decreases in net
24 global agricultural production, 2) Decreased avail-
25 ability and quality of fresh water in key regions due

1 to shifted precipitation patters, causing more fre-
2 quent floods and droughts, 3) Disrupted access to
3 energy supplies due to extensive sea ice and stormi-
4 ness.”.

5 (4) A December 2004 paper in Science reviewed
6 928 studies published in peer reviewed journals to
7 determine the number providing evidence against the
8 existence of a link between anthropogenic emissions
9 of carbon dioxide and climate change. “Remarkably,
10 none of the papers disagreed with the consensus po-
11 sition.”.

12 (5) The November 2007 Inter-Governmental
13 Panel on Climate Change (IPCC) Fourth Assess-
14 ment Report showed that global anthropogenic emis-
15 sions of greenhouse gasses have increased 70 percent
16 between 1970 and 2004, and anthropogenic emis-
17 sions are very likely the cause of global climate
18 change. The report concluded that global climate
19 change could cause the extinction of 20 to 30 per-
20 cent of species in unique ecosystems such as the
21 polar areas and biodiversity hotspots, increase ex-
22 treme weather events especially in the developing
23 world, and have adverse effects on food production
24 and fresh water availability.

1 The President has done little to address this most
2 serious of problems, thus constituting an abuse of power
3 and criminal neglect. He has also actively endeavored to
4 undermine efforts by the Federal Government, States, and
5 other nations to take action on their own.

6 (1) In March 2001, President Bush announced
7 the U.S. would not be pursuing ratification of the
8 Kyoto Protocol, an international effort to reduce
9 greenhouse gasses. The United States is the only in-
10 dustrialized nation that has failed to ratify the ac-
11 cord.

12 (2) In March of 2008, Representative Henry
13 Waxman wrote to EPA Administrator Stephen
14 Johnson: “In August 2003, the Bush Administration
15 denied a petition to regulate CO₂ emissions from
16 motor vehicles by deciding that CO₂ was not a pol-
17 lutant under the Clean Air Act. In April 2007, the
18 U.S. Supreme Court overruled that determination in
19 Massachusetts v. EPA. The Supreme Court wrote
20 that ‘If EPA makes a finding of endangerment, the
21 Clean Air Act requires the agency to regulate emis-
22 sions of the deleterious pollutant from new motor ve-
23 hicles.’. The EPA then conducted an extensive inves-
24 tigation involving 60–70 staff who concluded that
25 ‘CO₂ emissions endanger both human health and

1 welfare.’. These findings were submitted to the
2 White House, after which work on the findings and
3 the required regulations was halted.”.

4 (3) A Memo to Members of the Committee on
5 Oversight and Government Reform on May 19,
6 2008, stated, “The record before the Committee
7 shows: (1) the career staff at EPA unanimously sup-
8 ported granting California’s petition (to be allowed
9 to regulate greenhouse gas emissions from cars and
10 trucks, consistent with California state law); (2) Ste-
11 phen Johnson, the Administrator of EPA, also sup-
12 ported granting California’s petition at least in part;
13 and (3) Administrator Johnson reversed his position
14 after communications with officials in the White
15 House.”.

16 The President has suppressed the release of scientific
17 information related to global climate change, an action
18 which undermines Congress’s ability to legislate and pro-
19 vide oversight, and which has thwarted efforts to prevent
20 global climate change despite the serious threat that it
21 poses.

22 (1) In February, 2001, ExxonMobil wrote a
23 memo to the White House outlining ways to influ-
24 ence the outcome of the Third Assessment report by
25 the Intergovernmental Panel on Climate Change.

1 The memo opposed the reelection of Dr. Robert
2 Watson as the IPCC Chair. The White House then
3 supported an opposition candidate, who was subse-
4 quently elected to replace Dr. Watson.

5 (2) The New York Times on January 29, 2006,
6 reported that James Hansen, NASA's senior climate
7 scientist was warned of "dire consequences" if he
8 continued to speak out about global climate change
9 and the need for reducing emissions of associated
10 gasses. The Times also reported that: "At climate
11 laboratories of the National Oceanic and Atmos-
12 pheric Administration, for example, many scientists
13 who routinely took calls from reporters five years
14 ago can now do so only if the interview is approved
15 by administration officials in Washington, and then
16 only if a public affairs officer is present or on the
17 phone."

18 (3) In December of 2007, the House Committee
19 on Oversight and Government Reform issued a re-
20 port based on 16 months of investigation and 27,000
21 pages of documentation. According to the summary:
22 "The evidence before the Committee leads to one in-
23 escapable conclusion: the Bush Administration has
24 engaged in a systematic effort to manipulate climate
25 change science and mislead policy makers and the

1 public about the dangers of global warming.” The
2 report described how the White House appointed
3 former petroleum industry lobbyist Phil Cooney as
4 head of the Council on Environmental Quality. The
5 report states “There was a systematic White House
6 effort to minimize the significance of climate change
7 by editing climate change reports. CEQ Chief of
8 Staff Phil Cooney and other CEQ officials made at
9 least 294 edits to the Administration’s Strategic
10 Plan of the Climate Change Science Program to ex-
11 aggerate or emphasize scientific uncertainties or to
12 de-emphasize or diminish the importance of the
13 human role in global warming.”.

14 (4) On April 23, 2008, Representative Henry
15 Waxman wrote a letter to EPA Administrator Ste-
16 phen L. Johnson. In it he reported: “Almost 1,600
17 EPA scientists completed the Union of Concerned
18 Scientists survey questionnaire. Over 22 percent of
19 these scientists reported that ‘selective or incomplete
20 use of data to justify a specific regulatory outcome’
21 occurred ‘frequently’ or ‘occasionally’ at EPA. Nine-
22 ty-four EPA scientists reported being frequently or
23 occasionally directed to inappropriately exclude or
24 alter technical information from an EPA scientific
25 document. Nearly 200 EPA scientists said that they

1 have frequently or occasionally been in situations in
2 which scientists have actively objected to, resigned
3 from or removed themselves from a project because
4 of pressure to change scientific findings.”.

5 In all of these actions and decisions, President
6 George W. Bush has acted in a manner contrary to his
7 trust as President and subversive of constitutional govern-
8 ment, to the prejudice of the cause of law and justice and
9 to the manifest injury of the people of the United States.
10 Wherefore, President George W. Bush, by such conduct,
11 is guilty of an impeachable offense warranting removal
12 from office.

13 ARTICLE XXXIII—REPEATEDLY IGNORED AND FAILED
14 TO RESPOND TO HIGH LEVEL INTELLIGENCE
15 WARNINGS OF PLANNED TERRORIST ATTACKS IN
16 THE U.S., PRIOR TO 9/11

17 In his conduct while President of the United States,
18 George W. Bush, in violation of his constitutional oath to
19 faithfully execute the office of President of the United
20 States and, to the best of his ability, preserve, protect,
21 and defend the Constitution of the United States, and in
22 violation of his constitutional duty under article II, section
23 3 of the Constitution “to take care that the laws be faith-
24 fully executed”, has both personally and acting through
25 his agents and subordinates, together with the Vice Presi-

1 dent, failed in his Constitutional duties to take proper
2 steps to protect the nation prior to September 11, 2001.

3 The White House's top counter-terrorism adviser,
4 Richard A. Clarke, has testified that from the beginning
5 of George W. Bush's presidency until September 11, 2001,
6 Clarke attempted unsuccessfully to persuade President
7 Bush to take steps to protect the nation against terrorism.
8 Clarke sent a memorandum to then-National Security Ad-
9 visor Condoleezza Rice on January 24, 2001, "urgently"
10 but unsuccessfully requesting "a Cabinet-level meeting to
11 deal with the impending al Qaeda attack."

12 In April 2001, Clarke was finally granted a meeting,
13 but only with second-in-command department representa-
14 tives, including Deputy Secretary of Defense Paul
15 Wolfowitz, who made light of Clarke's concerns.

16 Clarke confirms that in June, July, and August
17 2001, the Central Intelligence Agency (CIA) warned the
18 president in daily briefings of unprecedented indications
19 that a major al Qaeda attack was going to happen against
20 the United States somewhere in the world in the weeks
21 and months ahead. Yet, Clarke was still unable to convene
22 a cabinet-level meeting to address the issue.

23 Condoleezza Rice has testified that George Tenet met
24 with the president 40 times to warn him that a major al
25 Qaeda attack was going to take place, and that in response

1 the president did not convene any meetings of top officials.
2 At such meetings, the FBI could have shared information
3 on possible terrorists enrolled at flight schools. Among the
4 many preventive steps that could have been taken, the
5 Federal Aviation Administration, airlines, and airports
6 might have been put on full alert.

7 According to Condoleezza Rice, the first and only
8 cabinet-level meeting prior to 9/11 to discuss the threat
9 of terrorist attacks took place on September 4, 2001, one
10 week before the attacks in New York and Washington.

11 On August 6, 2001, President Bush was presented
12 a President’s Daily Brief (PDB) article titled “Bin Laden
13 Determined to Strike in U.S.”. The lead sentence of that
14 PDB article indicated that Bin Laden and his followers
15 wanted to “follow the example of World Trade Center
16 bomber Ramzi Yousef and ‘bring the fighting to Amer-
17 ica’”. The article warned: “Al-Qa’ida members—including
18 some who are U.S. citizens—have resided in or traveled
19 to the U.S. for years, and the group apparently maintains
20 a support structure that could aid attacks.”.

21 The article cited a “more sensational threat reporting
22 that Bin Laden wanted to hijack a U.S. aircraft”, but in-
23 dicated that the CIA had not been able to corroborate such
24 reporting. The PDB item included information from the
25 FBI indicating “patterns of suspicious activity in this

1 country consistent with preparations for hijackings or
2 other types of attacks, including recent surveillance of
3 Federal buildings in New York”. The article also noted
4 that the CIA and FBI were investigating “a call to our
5 embassy in the UAE in May saying that a group of Bin
6 Laden supporters was in the U.S. planning attacks with
7 explosives”.

8 The president spent the rest of August 6, and almost
9 all the rest of August 2001 on vacation. There is no evi-
10 dence that he called any meetings of his advisers to discuss
11 this alarming report. When the title and substance of this
12 PDB article were later reported in the press, then-Na-
13 tional Security Adviser Condoleezza Rice began a sus-
14 tained campaign to play down its significance, until the
15 actual text was eventually released by the White House.

16 New York Times writer Douglas Jehl, put it this way:
17 “In a single 17-sentence document, the intelligence brief-
18 ing delivered to President Bush in August 2001 spells out
19 the who, hints at the what and points towards the where
20 of the terrorist attacks on New York and Washington that
21 followed 36 days later.”.

22 Eleanor Hill, Executive Director of the joint congress-
23 sional committee investigating the performance of the
24 U.S. intelligence community before September 11, 2001,
25 reported in mid-September 2002 that intelligence reports

1 a year earlier “reiterated a consistent and constant theme:
2 Osama bin Laden’s intent to launch terrorist attacks in-
3 side the United States”.

4 That joint inquiry revealed that just two months be-
5 fore September 11, an intelligence briefing for “senior
6 government officials” predicted a terrorist attack with
7 these words: “The attack will be spectacular and designed
8 to inflict mass casualties against U.S. facilities or inter-
9 ests. Attack preparations have been made. Attack will
10 occur with little or no warning.”.

11 Given the White House’s insistence on secrecy with
12 regard to what intelligence was given to President Bush,
13 the joint-inquiry report does not divulge whether he took
14 part in that briefing. Even if he did not, it strains credu-
15 lity to suppose that those “senior government officials”
16 would have kept its alarming substance from the presi-
17 dent.

18 Again, there is no evidence that the president held
19 any meetings or took any action to deal with the threats
20 of such attacks.

21 In all of these actions and decisions, President
22 George W. Bush has acted in a manner contrary to his
23 trust as President, and subversive of constitutional gov-
24 ernment, to the prejudice of the cause of law and justice
25 and to the manifest injury of the people of the United

1 States. Wherefore, President George W. Bush, by such
2 conduct, is guilty of an impeachable offense warranting
3 removal from office.

4 ARTICLE XXXIV—OBSTRUCTION OF INVESTIGATION
5 INTO THE ATTACKS OF SEPTEMBER 11, 2001

6 In his conduct while President of the United States,
7 George W. Bush, in violation of his constitutional oath to
8 faithfully execute the office of President of the United
9 States and, to the best of his ability, preserve, protect,
10 and defend the Constitution of the United States, and in
11 violation of his constitutional duty under article II, section
12 3 of the Constitution “to take care that the laws be faith-
13 fully executed”, has both personally and acting through
14 his agents and subordinates, together with the Vice Presi-
15 dent, obstructed investigations into the attacks on the
16 World Trade Center and Pentagon on September 11,
17 2001.

18 Following September 11, 2001, President Bush and
19 Vice President Cheney took strong steps to thwart any
20 and all proposals that the circumstances of the attack be
21 addressed. Then-Secretary of State Colin Powell was
22 forced to renege on his public promise on September 23
23 that a “White Paper” would be issued to explain the cir-
24 cumstances. Less than two weeks after that promise, Pow-
25 ell apologized for his “unfortunate choice of words”, and

1 explained that Americans would have to rely on “informa-
2 tion coming out in the press and in other ways”.

3 On September 26, 2001, President Bush drove to
4 Central Intelligence Agency (CIA) headquarters in Lang-
5 ley, Virginia, stood with Director of Central Intelligence
6 George Tenet and said: “My report to the nation is, we’ve
7 got the best intelligence we can possibly have thanks to
8 the men and women of the C.I.A.” George Tenet subse-
9 quently and falsely claimed not to have visited the presi-
10 dent personally between the start of Bush’s long Crawford
11 vacation and September 11, 2001.

12 Testifying before the 9/11 Commission on April 14,
13 2004, Tenet answered a question from Commission mem-
14 ber Timothy Roemer by referring to the president’s vaca-
15 tion (July 29–August 30) in Crawford and insisting that
16 he did not see the president at all in August 2001. “You
17 never talked with him?” Roemer asked. “No”, Tenet re-
18 plied, explaining that for much of August he too was “on
19 leave”. An Agency spokesman called reporters that same
20 evening to say Tenet had misspoken, and that Tenet had
21 briefed Bush on August 17 and 31. The spokesman ex-
22 plained that the second briefing took place after the presi-
23 dent had returned to Washington, and played down the
24 first one, in Crawford, as uneventful.

1 In his book, *At the Center of the Storm* (2007),
2 Tenet refers to what is almost certainly his August 17 visit
3 to Crawford as a follow-up to the “Bin Laden Determined
4 to Strike in the U.S.” article in the CIA-prepared Presi-
5 dent’s Daily Brief of August 6. That briefing was immor-
6 talized in a *Time Magazine* photo capturing Harriet Myers
7 holding the PDB open for the president, as two CIA offi-
8 cers sit by. It is the same briefing to which the president
9 reportedly reacted by telling the CIA briefer, “All right,
10 you’ve covered your ass now.” (Ron Suskind, *The One-*
11 *Percent Doctrine*, p. 2, 2006). In *At the Center of the*
12 *Storm*, Tenet writes: “A few weeks after the August 6
13 PDB was delivered, I followed it to Crawford to make sure
14 that the president stayed current on events.”

15 A White House press release suggests Tenet was also
16 there a week later, on August 24. According to the August
17 25, 2001, release, President Bush, addressing a group of
18 visitors to Crawford on August 25, told them: “George
19 Tenet and I, yesterday, we piled in the new nominees for
20 the Chairman of the Joint Chiefs, the Vice Chairman and
21 their wives and went right up the canyon.”

22 In early February 2002, Vice President Dick Cheney
23 warned then-Senate Majority Leader Tom Daschle that
24 if Congress went ahead with an investigation, administra-
25 tion officials might not show up to testify. As pressure

1 grew for an investigation, the president and vice president
2 agreed to the establishment of a congressional joint com-
3 mittee to conduct a “Joint Inquiry”. Eleanor Hill, Execu-
4 tive Director of the Inquiry, opened the Joint Inquiry’s
5 final public hearing in mid-September 2002 with the fol-
6 lowing disclaimer: “I need to report that, according to the
7 White House and the Director of Central Intelligence, the
8 president’s knowledge of intelligence information relevant
9 to this inquiry remains classified, even when the substance
10 of the intelligence information has been declassified.”.

11 The National Commission on Terrorist Attacks, also
12 known as the 9/11 Commission, was created on November
13 27, 2002, following the passage of congressional legisla-
14 tion signed into law by President Bush. The President was
15 asked to testify before the Commission. He refused to tes-
16 tify except for one hour in private with only two Commis-
17 sion members, with no oath administered, with no record-
18 ing or note taking, and with the Vice President at his side.
19 Commission Co-Chair Lee Hamilton has written that he
20 believes the commission was set up to fail, was under-
21 funded, was rushed, and did not receive proper coopera-
22 tion and access to information.

23 A December 2007 review of classified documents by
24 former members of the Commission found that the com-
25 mission had made repeated and detailed requests to the

1 CIA in 2003 and 2004 for documents and other informa-
2 tion about the interrogation of operatives of l Qaeda, and
3 had been told falsely by a top CIA official that the agency
4 had “produced or made available for review” everything
5 that had been requested.

6 In all of these actions and decisions, President
7 George W. Bush has acted in a manner contrary to his
8 trust as President, and subversive of constitutional gov-
9 ernment, to the prejudice of the cause of law and justice
10 and to the manifest injury of the people of the United
11 States. Wherefore, President George W. Bush, by such
12 conduct, is guilty of an impeachable offense warranting
13 removal from office.

14 ARTICLE XXXV—ENDANGERING THE HEALTH OF 9/11
15 FIRST RESPONDERS

16 In his conduct while President of the United States,
17 George W. Bush, in violation of his constitutional oath to
18 faithfully execute the office of President of the United
19 States and, to the best of his ability, preserve, protect,
20 and defend the Constitution of the United States, and in
21 violation of his constitutional duty under article II, section
22 3 of the Constitution “to take care that the laws be faith-
23 fully executed”, has both personally and acting through
24 his agents and subordinates, together with the Vice Presi-
25 dent, recklessly endangered the health of first responders,

1 residents, and workers at and near the former location of
2 the World Trade Center in New York City.

3 The Inspector General of the Environmental Protec-
4 tion Agency (EPA) August 21, 2003, report numbered
5 2003-P-00012 and entitled “EPA’s Response to the
6 World Trade Center Collapse: Challenges, Successes, and
7 Areas for Improvement”, includes the following findings:

8 [W]hen EPA made a September 18 announce-
9 ment that the air was ‘safe’ to breathe, it did not
10 have sufficient data and analyses to make such a
11 blanket statement. At that time, air monitoring data
12 was lacking for several pollutants of concern, includ-
13 ing particulate matter and polychlorinated biphenyls
14 (PCBs). Furthermore, The White House Council on
15 Environmental Quality (CEQ) influenced, through
16 the collaboration process, the information that EPA
17 communicated to the public through its early press
18 releases when it convinced EPA to add reassuring
19 statements and delete cautionary ones.” . . .

20 “As a result of the White House CEQ’s influ-
21 ence, guidance for cleaning indoor spaces and infor-
22 mation about the potential health effects from WTC
23 debris were not included in EPA-issued press re-
24 leases. In addition, based on CEQ’s influence, reas-
25 suring information was added to at least one press

1 release and cautionary information was deleted from
2 EPA's draft version of that press release. . . .
3 [T]he White House's role in EPA's public commu-
4 nications about WTC environmental conditions was
5 described in a September 12, 2001, e-mail from the
6 EPA Deputy Administrator's Chief of Staff to sen-
7 ior EPA officials:

8 “‘All statements to the media should be
9 cleared through the NSC [National Security
10 Council] before they are released.’

11 “According to the EPA Chief of Staff, one par-
12 ticular CEQ official was designated to work with
13 EPA to ensure that clearance was obtained through
14 NSC. The Associate Administrator for the EPA Of-
15 fice of Communications, Education, and Media Rela-
16 tions (OCEMR)³ said that no press release could be
17 issued for a 3- to 4-week period after September 11
18 without approval from the CEQ contact.”.

19 Acting EPA Administrator Marianne Horinko, who
20 sat in on EPA meetings with the White House, has said
21 in an interview that the White House played a coordi-
22 nating role. The National Security Council played the key
23 role, filtering incoming data on ground zero air and water,
24 Horinko said: “I think that the thinking was, these are

1 experts in WMD (weapons of mass destruction), so they
2 should have the coordinating role.”.

3 In the cleanup of the Pentagon following September
4 11, 2001, Occupational Safety and Health Administration
5 laws were enforced, and no workers became ill. At the
6 World Trade Center site, the same laws were not enforced.

7 In the years since the release of the EPA Inspector
8 General’s above-cited report, the Bush Administration has
9 still not effected a clean-up of the indoor air in apartments
10 and workspaces near the site.

11 Screenings conducted at the Mount Sinai Medical
12 Center and released in the September 10, 2004, Morbidity
13 and Mortality Weekly Report (MMWR) of the Federal
14 Centers For Disease Control and Prevention (CDC), pro-
15 duced the following results:

16 “Both upper and lower respiratory problems
17 and mental health difficulties are widespread among
18 rescue and recovery workers who dug through the
19 ruins of the World Trade Center in the days fol-
20 lowing its destruction in the attack of September 11,
21 2001.

22 “An analysis of the screenings of 1,138 workers
23 and volunteers who responded to the World Trade
24 Center disaster found that nearly three-quarters of
25 them experienced new or worsened upper respiratory

1 problems at some point while working at Ground
2 Zero. And half of those examined had upper and/or
3 lower respiratory symptoms that persisted up to the
4 time of their examinations, an average of eight
5 months after their WTC efforts ended.”.

6 A larger study released in 2006 found that roughly
7 70 percent of nearly 10,000 workers tested at Mount Sinai
8 from 2002 to 2004 reported that they had new or substan-
9 tially worsened respiratory problems while or after work-
10 ing at ground zero. This study showed that many of the
11 respiratory ailments, including sinusitis and asthma, and
12 gastrointestinal problems related to them, initially re-
13 ported by ground zero workers persisted or grew worse
14 over time. Most of the ground zero workers in the study
15 who reported trouble breathing while working there were
16 still having those problems two and a half years later, an
17 indication of chronic illness unlikely to improve over time.

18 In all of these actions and decisions, President
19 George W. Bush has acted in a manner contrary to his
20 trust as President, and subversive of constitutional gov-
21 ernment, to the prejudice of the cause of law and justice
22 and to the manifest injury of the people of the United
23 States. Wherefore, President George W. Bush, by such

- 1 conduct, is guilty of an impeachable offense warranting
- 2 removal from office.

○